

EPA REGION III

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***** PM HOT LIST *****

Obama's frack study to look past water

ENVIRONMENT & ENERGY PUBLISHING The \$45 million multi-agency study of hydraulic fracturing proposed by the Obama administration in its 2013 budget blueprint represents an effort to broaden the examination of shale gas drilling from just water to air quality and other environmental concerns. It also seeks to put into action some of the recommendations of the panel tasked by the administration with examining the safety of hydraulic fracturing. "We need to ensure we have the best science available as hydraulic fracturing will continue," said Interior Secretary Ken Salazar. "We have to make sure that as fracking continues on those lands it's being done in a safe and responsible way." Interior's U.S. Geological Survey, the Department of Energy and U.S. EPA are developing a "memorandum of understanding" for the study to lay out the responsibilities of each agency. The memorandum, budget documents said, will seek to emphasize the expertise of each agency.

5 takeaways from Obama's budget - SOTU honeymoon over for Obama and natural gas? - DOE breaks vow of silence - Amendments galore on House energy, transportation bill

POLITICO ... COAL CONUNDRUM — Earthjustice and the Sierra Club are planning to sue a Pennsylvania coal-fired power plant for alleged violations of the Clean Air Act, the groups announced Monday. The Homer City plant's sulfur dioxide emissions are a danger to the public health and — even if they are allowed under the plant's permit — keep the area from meeting air quality standards, the environmental litigants say. The power plant — a key petitioner against the EPA's Cross-State Air Pollution Rule — emitted more sulfur dioxide than any other plant in the United States in 2010 despite being outfitted with advanced scrubber technology, according to Earthjustice. The announcement: <http://bit.ly/wrJeQq>.

... BURIED IN EPA'S BUDGET REQUEST — The plan eliminates EPA's Mercury Research Program (\$971 million), which studies the effectiveness of emission control technologies to meet requirements to reduce the pollutant. EPA is opting for an alternative plan to measure the technologies -- The agency also said it supports legislation that would direct fines and penalties from the Deepwater Horizon spill to restoration efforts in the Gulf Coast region. -- EPA is also hoping to ramp up its enforcement and planning efforts at facilities that are at a higher risk of worst-case oil spills by shifting \$5.7 million to compliance monitoring and on-site inspections at some facilities, and asking for a \$4.6 million increase to its Oil Spill: Prevention, Preparation and Response program.

... SHALE NEWS — Republican Pennsylvania Gov. Tom Corbett signed into a law Monday legislation that creates new fees and regulations for natural developers in the Marcellus Shale region. The American Petroleum

Institute commended that new law, but the plan still faces critics in the environmental community — who say the regulations are too soft and the royalty rate too low — and among conservative organizations: Grover Norquist is calling the law a tax that violates the anti-tax pledge. More from the (Harrisburg, Pa.) Patriot-News: <http://bit.ly/wgS4XB>.

Alexandria power plant fined again

WASHINGTON-POST Alexandria's coal-burning power plant, scheduled to shut down Oct. 1 after years of local opposition, must pay a \$280,704 fine for violating air-quality laws, the largest such fine ever imposed against the plant. The GenOn Potomac River power plant, whose five stubby smokestacks loom over the north end of Old Town Alexandria, exceeded its nitrogen oxides limit six times between June 28 and July 18, 2011, according to a consent decree issued by the Virginia Air Pollution Control Board last week and agreed to by GenOn. Asked why the penalty was so high, Sarah Baker, regional enforcement manager for the Virginia Department of Environmental Quality, said "Compliance history is taken into account when we're assessing fines." The company has been fined before, and the most recent penalty was \$5,000 more than the largest fine assessed in May.

Riverkeeper reports settlement over gas well

POCONONEWS.NET BRISTOL PA - The Delaware Riverkeeper Network (DRN) announced the settlement of an appeal DRN filed with the PA Environmental Hearing Board concerning one of the first shale gas wells drilled in the Delaware River Basin. The well is a vertical gas well and was not hydraulically fractured. The appeal -- filed in coordination with Damascus Citizens for Sustainability and local residents -- involved the Newfield Appalachia PA, LLC "Woodlands" well in Damascus Township, Wayne County, Pennsylvania. The well is located within the Hollister Creek watershed, a designated Special Protection High Quality (HQ) watershed. The project is also within the Upper Delaware River Basin and is approximately 0.43 miles from the Delaware River. ... As part of the settlement of this appeal, DRN and the other appellants were successful in obtaining important programmatic changes. These changes will improve how future well permits are processed throughout Pennsylvania and will provide greater protection to Pennsylvania's high quality and exceptional value watersheds.

Meehan, Casey tout \$31M for Delaware River project in budget

ASSOCIATED PRESS PHILADELPHIA (AP) — President Obama's new budget proposal includes \$31 million for deepening of the Delaware River shipping channel, a project that supporters say will create jobs and economic development but opponents say will damage the environment. The construction money is included in the U.S. Army Corps of Engineers' \$4.73 billion civil works spending plan released Monday for the fiscal year that begins Oct. 1. The news follows an announcement last week that the Corps had allocated almost \$17 million in additional funding for the deepening of the channel. Proponents say deepening the channel from 40 to 45 feet could mean tens of thousands of jobs, both directly and indirectly connected to the port, and will keep the port of Philadelphia competitive with others ports on the East coast. Some environmental groups, however, have argued that the dredging could stir up toxic sediment, endanger drinking water supplies and hurt fisheries. U.S. Rep. Pat Meehan, R-Pa., also hailed the decision and said he is urging colleagues to support the funding. He said the port was one of the mid-Atlantic region's most important economic engines but its future was in jeopardy since expansion of the Panama Canal will mean that "within five years all container lines at the port of Philadelphia will operate vessels needing a 45-foot draft." Opponents, however, earlier this month released a study suggesting that the Corps was using unrealistic economic assumptions for the project.

O'Malley's bay cleanup proposals could hurt small businesses, analysis claims

WASHINGTON-POST Fiscal reports released Monday conclude two proposals at the core of Maryland Gov. Martin O'Malley's (D) environmental agenda could hurt small businesses, despite previous claims to the

contrary by the O'Malley administration. Restricting large housing developments built with septic systems, which O'Malley said would safeguard farmland and protect the Chesapeake Bay, "may have a meaningful adverse impact on many small business residential developers, homebuilders, and associated contractors," according to a nonpartisan analysis by the state's Department of Legislative Services. A separate analysis concluded a proposed increase in the "flush tax" on water usage for Chesapeake Bay restoration could also have a negative effect on business. The analysis found that "many small businesses will pay an increase of more than 250% in bay restoration fees, which may represent a meaningful adverse impact on at least some small businesses, particularly those engaged in operations that require significant water usage."

Legislation would aid Berlin farm family

SALISBURY TIMES ANNAPOLIS -- If a piece of legislation introduced Monday in the Maryland General Assembly becomes law, the University of Maryland, Baltimore will have to pay the legal expenses of the farm they are suing, even though the lawsuit has not been settled by the courts. The legislation was introduced by Sen. Richard Colburn, R-37-Dorchester, and it would require the university to use its appropriation for fiscal year 2013 to pay up to \$500,000 of the farm's legal expenses. "(Senate Bill) 945 is an outrageous attack on clean water by a small handful of extremists in the state legislature and is grandstanding at its worst," said Kathy Phillips, executive director of Assateague Coastkeeper. "It will backfire and help rally efforts to force Perdue to share responsibility for the pollution caused by the dumping of 550,000 tons of chicken manure on our land and into our waterways each year in Maryland."

EPA sets new emission limits for PVC producers

GT FORUM New rule will require major emitters of air toxins from PVC production to invest US\$18 million, spend US\$4 million annually. The US Environmental Protection Agency has issued a final rule updating emission limits for airborne toxins from the production of polyvinyl chloride and copolymers. The new rule requires production facilities to reduce toxic air emissions and sets maximum achievable control technology (MACT) standards for major sources and generally available control technology (GACT) for area sources of PVC production. EPA's new final rule sets emission limits and work practice standards for total organic air as well as limits for vinyl chloride, chlorinated di-benzo dioxins and furans and hydrogen chloride. The latter two are new additions, with the previous rule using vinyl chloride "as a surrogate for all other air toxins".

Remote Gas Well Monitoring Technology Applied to Marcellus Shale Site

AOL ENERGY Monitoring shale gas drilling has been a central technology question for oil and gas companies seeking to take advantage of huge potential reserves in the US. "A technology to remotely monitor conditions at energy-rich Marcellus Shale gas wells to help insure compliance with environmental requirements has been developed through a research partnership funded by the US Department of Energy," the department announced today. The DOE has been defending its role in energy technology funding in recent months since the collapse of federally-backed solar technology firm Solyndra. See here for an AOL Energy video of DOE assistant secretary David Sandalow defending the Department's history of innovation in October 2011.

***** MORNING HOT LIST *****

Chesapeake Bay Program sees increase in Obama budget, other bay-related efforts see cuts

ASSOCIATED PRESS BALTIMORE — The Environmental Protection Agency's main program to restore the Chesapeake Bay would get more money but other projects for the water way would be cut in the budget

released Monday by President Barack Obama, a Chesapeake Bay Foundation official said. The budget calls for \$15 million to be added to the \$58 million budget for the EPA's Chesapeake Bay Program, Chesapeake Bay Foundation Federal Affairs Director Doug Siglin said. However, Siglin said the budget also calls for an overall cut in EPA funding, including a 20 percent from a \$2.5 billion EPA revolving fund that provides money to the states for clean water programs. The spending plan also cuts staffing for the Department of Agriculture's Natural Resources Conservation Service which helps farmers reduce runoff and other pollution from their farms, he said. "So, the really good news about the Chesapeake Bay Program is mitigated somewhat," Siglin said. The EPA's revolving fund provides assistance to states and local jurisdictions to reduce pollution from sewage treatment plants and urban and suburban runoff. Siglin said they are critical components of state plans to achieve their pollution reduction goals under the EPA's new federally led bay restoration strategy. While progress is being made to reach the goals by the strategy's 2025 deadline, federal, state and local resources "all are part of the mix and need to stay at as a high level as possible." However, the president is facing pressure to control federal spending. The budget announced Monday is designed to remove \$4 trillion from the federal deficit in 10 years through cuts and higher taxes on the wealthy. And he immediately faced criticism from Republicans that the budget failed to address the nation's fiscal problems.

Delaware City Refinery pollution continues for second day

WILMINGTON NEWS JOURNAL 14 tons of sulfur dioxide gas released Monday. The Delaware City Refinery reported a second day of major refining unit upsets on Monday, with releases of sulfur dioxide gas from emergency-disposal flare burnoffs estimated at 28,000 pounds. Monday's troubles affected the plant's catalytic cracking unit, a more than 80,000-barrel-per-day system that mainly produces gasoline from partially refined crude oil. PBF Energy spokeswoman Lisa Lindsey said electrical systems for pumps associated with the unit failed during maintenance preparations. Both were reported to be back in service shortly after 4 p.m., and Lindsey said workers were returning the plant to normal service. On Sunday, troubles in the plant's 54,500-barrel-per-day coking unit and a related pollution-control system sent odors, soot and other pollutants blowing across Delaware City, prompting a large number of complaints in the community. Sulfur dioxide is a respiratory irritant often found in urban smog that has been tied to formation of acid rain and toxic soot. Federal regulators have tightly controlled releases of the pollutant from refinery flares in recent years. State and federal regulators also required the plant's previous owners to spend hundreds of millions of dollars on sulfur emission-control systems, after determining that the Delaware City plant's biggest units were among the largest refinery emitters of sulfur dioxide nationwide. The single-day releases by the plant on Monday exceeded 50 percent of the total annual sulfur-dioxide emissions that can trigger a factory's ranking as a major source of the pollutant under federal rules.

Obama's policies on environment go on the back burner

WASHINGTON POST WASHINGTON -- After pushing through some of the most sweeping and contentious environmental measures in years, the Obama administration has slowed action on several policies as it calculates what it should undertake before the end of the term. Rules aimed at curbing emissions from cars and light trucks are on hold because the White House has yet to give the Office of Management and Budget the go-ahead to review them. And a proposal to regulate soot, ready last fall, will not be issued before June. Several of the regulations hanging in the balance have broad support among not just environmentalists, but also key industries as well as hunters and anglers. But they could impose new costs on consumers and certain sectors of the economy, which has sparked opposition and complicated the administration's political calculus. "Behind the scenes, [the Environmental Protection Agency] is pressing to get rules out before the administration pulls up the drawbridge and goes into campaign mode," said Joe Stanko, who heads government relations at the law firm Hunton & Williams. "It will be a battle to see how far down EPA's shopping list they get." White House spokesman Clark Stevens wrote in an email that the administration would seek to balance economic and environmental considerations when deciding what regulations to issue in the coming year. "The administration has a strong record of implementing smart, sensible steps that protect consumers, public health and the environment, informed by feedback from the public and industry and guided by the president's goal of supporting economic growth while protecting the air we

breathe and the water we drink," Mr. Stevens wrote. "This includes historic fuel economy standards that will dramatically reduce oil consumption, slash vehicle emissions, all while saving American families thousands of dollars at the pump, as well as the first national standard for mercury emissions."

Corbett signs shale well impact fee into law

PITTSBURGH POST GAZETTE The Marcellus Shale impact fee and regulatory measure that passed the General Assembly last week is now law, after Republican Gov. Tom Corbett signed it on Monday evening. He described the measure, which will charge drillers a per-well fee, update state environmental regulations and subject local zoning ordinances to state-crafted standards, a historic overhaul of state law. "Thanks to this legislation, this natural resource will safely and fairly fuel our generating plants and heat our homes while creating jobs and powering our state's economic engine for generations to come," Mr. Corbett said in a statement. Most of the measure goes into effect in 60 days. However, the portion requiring each county within the drilling region to decide whether to impose the impact fee is effective immediately. Those counties have 60 days to adopt an ordinance imposing the fee on shale wells. If commissioners decide against doing so, they could be overruled if half of the municipalities or towns representing half of the county's population approve their own resolutions in favor of a fee. Revenues from that fee will be divided between local governments and a variety of state-based environmental, infrastructure and economic-development programs.

EPA faces third straight year of cuts

GOVERNMENT EXECUTIVE President Obama's environmental agenda, under political attack and on the back burner in a sluggish economy, will face budget cuts for the third straight year. The proposed Environmental Protection Agency budget for fiscal year 2013 is \$8.3 billion, down from \$9.0 billion last year. This year's request represents a 1.2 percent decrease, or \$105 million, from the 2012 enacted level. Tellingly, EPA's budget barely acknowledges the agency's plans to regulate greenhouse gas emissions from power plants -- a stark reversal from last year's budget, which said EPA's "measured, common-sense steps to address greenhouse gas pollution" was one of its "funding points of focus." Instead, this year's budget says the administration "continues to support greenhouse gas emissions reduction in the U.S. in the range of 17 percent below 2005 levels by 2020 and 83 percent by 2050." Those have been the goals for addressing climate change since the beginning of the Obama administration, but no legislation has been enacted requiring the reductions to be achieved. The only mention EPA's greenhouse gas rules for power plants receives in this year's budget is one sentence that doesn't say anything about when the rules are coming. "EPA will continue to develop regulatory strategies to control GHG emissions from major stationary sources." The EPA budget does acknowledge one program already on the books that can help reduce greenhouse gases: the increased fuel-economy standards for vehicles that the administration worked out with the auto industry last year. The budget "supports the 2012 implementation of a historic national program to improve fuel economy and reduce greenhouse gases (GHGs) from cars and trucks by about 21 percent by 2030, saving an estimated 1.8 billion barrels of oil," the proposal from EPA states.

Obama boosts Delaware River dredging plan

CHERRY HILL COURIER POST President Obama's 2013 budget, which was submitted to Congress Monday, includes \$31 million for a controversial project to deepen the Delaware River's shipping channel. The inclusion is the second bit of good news this month for proponents of the estimated \$300 million project. The U.S. Army Corps of Engineers last week appropriated \$16.9 million for the project from its current construction budget that runs through September. The influx of federal funds follows many years of meager appropriations for the project, which critics have labeled a threat to the environment and a waste of money. So far, the federal government has committed \$4 million for construction. As a result, work is being done piecemeal by the Philadelphia district of the Army Corps which is managing the project. "Clearly, the (Obama) administration recognized the importance of this project to both regional and national economies as related to import and export trade," said Dennis Rochford, president of the Maritime Exchange for the Delaware River and Bay, a trade association representing about 300

port-related businesses in the tri-state region. Advocates say deepening the river, from 40 to 45 feet, will make local ports more competitive with other East Coast ports that can handle an increasing number of deeper-draft ships. "When the project was first proposed more than 25 years ago, 45 feet was a very good number. Things have changed and now some East Coast ports have 50 feet. Still, 45 is better than 40," said Kevin Castagnola, executive director of the South Jersey Port Corp., which operates two marine terminals in Camden and is building a port in Paulsboro.

Obama budget cuts would hit Maryland

BALTIMORE SUN WASHINGTON — Labor unions that represent government workers — and some Maryland Democrats — criticized the budget President Barack Obama unveiled Monday for cutting \$27 billion in federal employee pensions while offering what they called a modest, half-percent raise. The \$3.8 trillion spending plan for 2013 would trim \$4 trillion from the national debt over a decade through a combination of tax increases on the wealthy and spending cuts. Many of those reductions would affect Maryland, including funding for Chesapeake Bay cleanup, teaching hospitals such as Johns Hopkins and research grants awarded by the Bethesda-based National Institutes of Health. Sen. Benjamin L. Cardin praised the White House for taking a "balanced approach" to deficit reduction but said he is concerned about proposed cuts to the federal workforce and bay programs as well as a proposed freeze in funding for the NIH. "The men and women of these federal agencies are on the front lines keeping our nation safe from diseases and bioterrorism, and they are on the cutting edge of finding the cures for cancer and Alzheimer's and so many other crippling ailments," the Maryland Democrat said in a statement. Obama's budget, which is unlikely to advance in the bitterly divided Congress, would require federal employees to increase their contribution to their own retirement plans by 1.2 percent over three years. The plan would end a two-year salary freeze by offering those workers a half-percent cost-of-living raise. Maryland is home to nearly 300,000 civilian federal employees — about 10 percent of the state's workforce. "The White House and congressional leaders should not treat federal employees' paychecks like an ATM machine," said John Gage, president of the American Federation of Government Employees. "Federal employees have already sacrificed more than the president is asking from the big banks."

Editorial: Gas bill: Shale drillers got the better part of the deal (Monday)

PITTSBURGH POST GAZETTE Pennsylvania already has a love-hate relationship with Marcellus Shale gas drilling. Enthusiasm for the prospect of good jobs and generous payments to property owners who lease their land has been tempered by worries about the prospects for harm to the state's air, water, roads and quality of life. To handle that duality, the state needed the right combination of taxation and limitation. Regulations passed last week by the Legislature -- dealing with well fees, zoning restrictions and environmental impact -- fail on both counts. First is the question of taxation, which Mr. Corbett rejected outright. So instead the state will have a fee system, which will require drillers to pay between \$190,000 and \$355,000 per well during the first 15 years it is active. The governor chose to go this route rather than enact an extraction tax, even though all other drilling states have done so and the industry has not objected to the practice. That was a political calculation, not a decision made in the best interests of the state. The next problem with the fees is the variation. The rates will fluctuate because, unlike any other tax that we know of, these fees will vary depending on the going price for natural gas. This is a good deal for the drilling companies, but people don't get this kind of flexibility when it comes to the taxes they pay. The situation is further complicated by the kick-the-can-down-the-road approach that puts the decisions about whether to charge the fees in the hands of the 67 counties -- ostensibly in the spirit of local control. Yet the regulations take local control away from the counties on regulating the drill sites like other industrial activities.

Commentary: Can a Gas Tax Make a Healthier Bay?

SOUTHERN MARYLAND ONLINE Has Gov. Martin O'Malley's broad array of tax increase

proposals got you bummed out? Cheer up, there's a bright spot. If O'Malley succeeds in his plan to impose Maryland's 6 percent sales tax on the purchase of gasoline, he will not only boost revenues for long overdue highway, bridge and mass transit projects, but possibly help clean the Chesapeake Bay at the same time, a formula that could work not just in Maryland, but in all of the Bay states. Here's how it works: Up to one-third of the nitrogen that pollutes the bay and its rivers comes from the air, and much of that comes from motor vehicle emissions. Thus, to the extent that Marylanders find the higher gas tax so burdensome that they drive less or trade up to more fuel-efficient vehicles, the bay gets a little breathing space. Cheap energy is a curse to the environment. So, driving up the cost of gasoline is an effective countermeasure. Now, there are caveats: If gasoline tax revenue comes in lower than expected, there may not be enough to invest in mass transit projects, which also serve the bay. If drivers seeking fuel efficiency switch to electric cars, that may not help much either. Electricity comes mostly from coal, which adds mightily to air and water pollution. Nonetheless, the concept of raising the federal gasoline tax as an environmental tactic has won broad support from prominent economists in both political parties over the last two decades. As an early warrior against global warming, Massachusetts Sen. John F. Kerry was famously in favor of a 50-cent per gallon federal gasoline tax increase — before he was against it as a presidential candidate. Yes, the political challenge is not for the timid. But raising the gasoline tax has many potential benefits beyond the extra money and perhaps cleaner air it

Blog: President Obama's budget and coal

CHARLESTON GAZETTE I've really been interested in cruising around on the great interactive map on The New York Times' website, showing county-by-county numbers for federal aid's role in local incomes around the country. It's really fascinating, and shows a lot about an issue we've talked about before here on Coal Tattoo. Both Paul Krugman and Jared Bernstein had interesting blog items about the map. Today, as I slowly made my way through the Obama administration's budget proposals for various government agencies looking for story ideas, I couldn't help thinking about the broader contradictions in all of this stuff about government spending. Some people love to pick on government spending, but what happens if their local road has a bunch of potholes or their heat doesn't work at their kids' school. More to the point with this blog — In tough times, maybe it seems easy to cut spending for agencies like the federal Mine Safety and Health Administration and the Office of Surface Mining Reclamation and Enforcement. But what happens — as we approach the 40th anniversary of Buffalo Creek — if, God forbid, a huge coal-slurry impoundment collapses in Southern West Virginia or Eastern Kentucky? Well, one thing that happens is that a bunch of national press that were last seen talking about too much government spending will parachute in to report about how federal regulators failed to make sure the dam was safe. An extreme example? Maybe. But who wants to be the one who explains to families that MSHA didn't stop a coal-mine from blowing up because they were short a couple of inspectors? Anyway, here are a few of the more interesting things I noticed in President Obama's budget proposal for agencies that deal with the coal industry:

PENNSYLVANIA

PHILADELPHIA INQUIRER

From Early Bird Corbett approves fee on Marcellus gas extraction **HARRISBURG** - In the privacy of his office, Gov. Corbett signed into law Monday night a long-awaited, long-debated bill that imposes a fee on natural gas extraction in the Marcellus Shale. His action means Pennsylvania will finally join more than 25 other states in imposing some kind of levy on natural gas drillers. The 174-page law Corbett signed has been years in the making. Earlier this month, he and top Republican legislators negotiated a deal on a fee that would fluctuate depending on the price of natural gas. The majority of the fee's proceeds would be channeled to communities most affected by the drilling. But it would also spread money around to the Philadelphia region and other parts of the state for environmental and infrastructure projects. "This growing industry will provide new career opportunities that will

give our children a reason to stay here in Pennsylvania," Corbett said in a statement issued by his office. "Thanks to this legislation, this natural resource will safely and fairly fuel our generating plants and heat our homes while creating jobs and powering our state's economic engine for generations to come." While it is unusual for governors to sign high-profile bills into law in private, Corbett's aides said he intended to hold an additional public-signing ceremony in the near future.

Budget money for Delaware River dredging is confirmed

It's official. President Obama's proposed \$3.8 trillion budget for fiscal 2013 includes \$31 million for the Delaware River main channel deepening from 40 feet to 45 feet. The U.S. Army Corps of Engineers on Monday posted details on its website of the Corps' \$4.73 billion civil works spending plan for the fiscal year that begins Oct. 1. "This project has been a true regional and bipartisan effort," said Dennis Rochford, president of the Maritime Exchange for the Delaware River and Bay. The announcement followed last Tuesday's news that \$16.9 million was in the Army Corps 2012 work plan, and would be used to deepen the shipping channel five more feet between Penn's Landing and Essington, starting in early August. Supporters say a deeper channel would help ports here remain competitive in vying for cargoes and bigger ships expected to come from Asia when the Panama Canal is expanded in 2014. "Investments like this are critical to the long-term development of the Port of Wilmington and Delaware, as well as the other states along the Delaware River, to help us continue our economic recovery and to stay competitive," said U.S. Sen. Tom Carper (D., Del.). "As we move forward with this important economic investment, we need to be good stewards of our environment and protect that resource as well." But several environmental groups are opposed.

PITTSBURGH POST-GAZETTE

From Early Bird Environmental groups to sue over emissions from Homer City plant Citing unhealthy concentrations of sulfur dioxide emissions from the Homer City coal-fired power plant in Indiana County, a coalition of five environmental groups filed notice Monday that it will sue California-based Edison International, which operates the 43-year-old facility. The groups also released a Sierra Club report that calls into question whether the \$700 million in pollution controls that Edison International announced last month for the plant will reduce emissions enough to meet federal health-based limits. It called on the company to instead invest in renewable wind and solar energy production facilities in central Pennsylvania. According to the report, the 1,884-megawatt power plant -- one of the biggest in the nation -- released more sulfur dioxide than any other plant in the U.S. last year and enough to violate federal air pollution standards and its state operating permit. "The report's modeling of emissions shows that in ... three years, from 2008 thorough 2010, it was violating its state permit and causing ambient pollution concentrations to be above the health-based standards," said Zack Fabish, an attorney with the Sierra Club. He noted that the power plant wasn't cited for violating the standards because of the lack of state monitors downwind from the plant to measure the pollution. The report said emissions of sulfur dioxide, a pollutant linked to respiratory illnesses, heart disease and asthma attacks, are in some places more than twice the federal health-based limit, and called on the state Department of Environmental Protection to "step in and tighten up Homer City's permit to protect the public's health."

From Early Bird Power plant developer accepts conditions The developers of a planned power plant in Robinson, Washington County, have accepted the conditions that township supervisors placed on the project's development, township Manager Richard Ward said Monday. Raymond J. Bologna, president of Robinson Power Co. and secretary of Champion Processing Inc., has signed the documents indicating acceptance of 55 requirements, thus cementing the township's Jan. 10 approval. Conditions include the owners paying annual fees to the township -- including \$250,000 a year for the first 10 years of operation -- and following guidelines for fly ash placement and monitoring well water and air quality. The \$538 million Beech Hollow Energy Project proposal includes two side-by-side power plants -- one fueled by waste coal and the other by processed natural gas -- near the North Fayette and Allegheny County borders.

From Early Bird Corbett signs shale well impact fee into law The Marcellus Shale impact fee and regulatory

measure that passed the General Assembly last week is now law, after Republican Gov. Tom Corbett signed it on Monday evening. He described the measure, which will charge drillers a per-well fee, update state environmental regulations and subject local zoning ordinances to state-crafted standards, a historic overhaul of state law. "Thanks to this legislation, this natural resource will safely and fairly fuel our generating plants and heat our homes while creating jobs and powering our state's economic engine for generations to come," Mr. Corbett said in a statement. Most of the measure goes into effect in 60 days. However, the portion requiring each county within the drilling region to decide whether to impose the impact fee is effective immediately. Those counties have 60 days to adopt an ordinance imposing the fee on shale wells. If commissioners decide against doing so, they could be overruled if half of the municipalities or towns representing half of the county's population approve their own resolutions in favor of a fee. Revenues from that fee will be divided between local governments and a variety of state-based environmental, infrastructure and economic-development programs.

From Early Bird Editorial: Gas bill: Shale drillers got the better part of the deal (Monday) Pennsylvania already has a love-hate relationship with Marcellus Shale gas drilling. Enthusiasm for the prospect of good jobs and generous payments to property owners who lease their land has been tempered by worries about the prospects for harm to the state's air, water, roads and quality of life. To handle that duality, the state needed the right combination of taxation and limitation. Regulations passed last week by the Legislature -- dealing with well fees, zoning restrictions and environmental impact -- fail on both counts. First is the question of taxation, which Mr. Corbett rejected outright. So instead the state will have a fee system, which will require drillers to pay between \$190,000 and \$355,000 per well during the first 15 years it is active. The governor chose to go this route rather than enact an extraction tax, even though all other drilling states have done so and the industry has not objected to the practice. That was a political calculation, not a decision made in the best interests of the state. The next problem with the fees is the variation. The rates will fluctuate because, unlike any other tax that we know of, these fees will vary depending on the going price for natural gas. This is a good deal for the drilling companies, but people don't get this kind of flexibility when it comes to the taxes they pay. The situation is further complicated by the kick-the-can-down-the-road approach that puts the decisions about whether to charge the fees in the hands of the 67 counties -- ostensibly in the spirit of local control. Yet the regulations take local control away from the counties on regulating the drill sites like other industrial activities.

From Early Bird Editorial: New energy duties: It makes sense for the PUC to deal with drilling There's a lot wrong with the new state law regulating the Marcellus Shale gas drilling industry, but lawmakers got one thing right: putting oversight in the hands of Pennsylvania's Public Utility Commission. Since 1937, this regulatory body has been charged with balancing the needs of consumers and state utilities with the goals of reliable service and reasonable rates. Its jurisdiction includes electricity, natural gas, telecommunications, water and truck and rail safety. It seems logical to add the growing deep-well drilling activities to the PUC's purview. Under the law passed last week, the PUC will be responsible for keeping track of the number of wells, making sure they meet regulatory standards, collecting the fees associated with their operation and deciding when municipal ordinances don't comply with state standards. The most controversial task on that list will be determining which local rules are consistent with state regulation. Although we think the law goes too far -- we'd rather see local officials retain authority to make zoning-like decisions regarding wells, such as where they can be situated, how far they must be from homes, schools or businesses -- the PUC seems suited to this responsibility. The agency has legal expertise, with a staff of administrative law judges who handle disputes. However, it will need to add expertise in municipal law to its resume.

From Early Bird Peters hears concerns over new sewage system tap-ins A group of developers and homebuilders in Peters told council members Monday night that an ongoing dispute between a local sewerage provider and the Clairton Municipal Authority is costing them "hundreds of millions of dollars and thousands of jobs." "This is a major problem," developer Woody Welsch said about a lack of new sewage system tap-ins. "We have learned that the watershed has been shut off." At issue is the state Department of Environmental Protection's reluctance to approve sewage tap-ins for new homes in the Peters Creek Watershed, which includes lots in Peters, Nottingham, Union, Finleyville and Jefferson. Developers and builders said they have been left in limbo for

months, since the Peters Creek Sanitary Authority dissolved its sewage treatment agreement with the Clairton authority in October. Saying it would be more cost-effective for local residents than Clairton's plan to expand its sewage treatment plant, PCSA members voted to construct a new, \$16.9 million sewage treatment facility in Union. Those plans, however, recently were dashed by the DEP, which rejected the application because the facility would have emptied into Peters Creek, a protected waterway. The DEP has urged PCSA members to renew an agreement with Clairton, but until that happens, no new tap-ins will be approved. Three developers and builders, including Mr. Welsch, Ted Taylor and Mark Hoskins, asked council members to get involved to help end the dispute, which is affecting 12 developers and 50 home builders.

From Early Bird State could take over refurbished Point State Park The state Department of Conservation and Natural Resources will assume growing responsibility for a refurbished Point State Park in coming years, eventually taking over all maintenance and security from the city. Legislation to be introduced in city council today would authorize a renegotiation of the 1984 agreement under which the city has performed many of those services and billed the state. In the 2009-10 fiscal year, the state paid the city about \$600,000 for work at the state-owned park, Chris Novak, spokeswoman for the Department of Conservation and Natural Resources, said. She said the transition to increased state responsibility began in 2010-11. Last year, the city controller's office said, the state paid the city about \$403,000 for park-related services. At most state parks, Ms. Novak said, the department already handles maintenance and security itself. "It's a positive thing," Joanna Doven, spokeswoman for Mayor Luke Ravenstahl, said of the transition. "It will allow us to free up many of our employees to do other work." Riverlife, a nonprofit group that has worked on the park overhaul, called the change "a recalibration of maintenance procedures and practices that corresponds with the renovation improvements."

PITTSBURGH TRIBUNE REVIEW

From Early Bird Homer City power plant targeted in filing The Sierra Club on Monday filed a letter of intent to sue operators of the Homer City generating station in Indiana County for allegedly violating federal sulfur-dioxide emission standards at the plant. The notice, served at the Homer City plant in Center Township and sent to state and federal environmental officials, alleges that the coal-fired plant has been emitting enough sulfur dioxide to violate its permit under the Clean Air Act -- in some places causing ambient concentrations of sulfur dioxide more than double the standard used by the Environmental Protection Agency. Zachary Fabish, an associate attorney with the Sierra Club's environmental law program, said an air dispersion modeling analysis for 2008-2010 shows the plant created ambient sulfur-dioxide levels of as much as 422 micrograms per cubic meter of air, compared with the standard EPA model of 196.2 micrograms per cubic meter. The analysis was completed for the Sierra Club by Camille Marie Sears of Ojai, Calif., who holds a master's degree in atmospheric science and cites more than 30 years of experience in air quality impact analysis.

From Early Bird Fish, Boat Commission grateful for grant The Pennsylvania Fish and Boat Commission will benefit when, as expected, Gov. Tom Corbett signs legislation creating an impact fee on Marcellus shale drilling operations. The state Senate and House of Representatives approved the legislation last week. Corbett's signature is expected soon; he said he would sign the bill if and when it made it to his desk. The bill could reap as much as \$180.5 million statewide in fees for drilling activity done in 2011 and as much as \$355 million in 2015, according to some estimates from Republican lawmakers. A tiny share of that -- \$1 million annually -- will go to the commission. It will be used to pay staff who assist with permit reviews for new drilling site proposals and, perhaps, for law enforcement work related to pollution incidents tied to wells, said commission executive director John Arway. The commission is "appreciative" to be getting the funding, he said. There was a lot of competition for a share of the revenue, he added. But it's not as much as the commission wanted, or really needs, he said. "It's going to help us do our job better. But it doesn't really get us to where we need to be," Arway said. "As drilling increases, we would need more money." Under a couple of early versions of impact fee legislation, the commission would have received a percentage -- up to 2 percent -- of all money collected. Revisions changed that to suggest the commission get \$1.5 million to \$2 million annually, the amount the agency estimated was needed to hire 13 to 17 people to review 5,000 new well permit applications each year and inspect and monitor them. It won't be getting

that much but will have to make do, commissioner Tom Shetterly of Charleroi said.

From Early Bird Editorial: Marcellus 'fee'? A tax, stupid When is an "impact fee" not an impact fee and nothing more than another damnable growth-retarding, wealth-transference tax? When Pennsylvania bureaucrats get a hold of it and milk it like a Guernsey cow, that's when. The Republican-controlled Pennsylvania Legislature and Republican Gov. Tom Corbett have given their blessings to a measure that requires Marcellus shale natural gas drillers to pay a fee of up to \$355,000 per well during the well's most productive years. Now, if this truly were an "impact fee" -- a fee charged to fix any damage to the public infrastructure or to pay for public infrastructure enhancements for which the shale gas drilling industry created a direct demand -- that would be just fine. But nearly half -- 40 percent -- of the money expected to be collected from the industry will be earmarked otherwise. Nothing like giving Harrisburg yet another wad of cash to abuse. Or as the Commonwealth Foundation puts it, the new law violates sensible impact fee principles: "(R)aising new taxes just to redistribute them to unrelated political projects isn't just bad policy; it will kill jobs and increase the costs of energy." Some have hailed the Marcellus shale "impact fee" as a great example of "compromise." They've obviously slipped on something dropped by that giant Guernsey cow they're now milking and have been knocked not just silly but just plain stupid.

From Early Bird Lower Burrell sewer project attracts more federal funds Work should begin this year on the project to extend sewers on a section of Wildlife Lodge Road in Lower Burrell. The project, estimated at \$2.2 million, will add 112 customers from Route 56 to Route 780 to the public sewer system. If all goes as planned, Mayor Don Kinosz said the project could begin this summer once bids are sought and a contractor appointed. Kinosz said the design work is completed and the Lower Burrell Municipal Authority is in the process of acquiring the property rights of way. Council on Monday formally accepted a \$146,000 federal Community Development Block Grant secured through Westmoreland County. Kinosz said the money will be divided among 38 households that were identified as having low incomes within the project area. The grant will cover their tap-in costs, which are about \$3,900. City officials have estimated the total cost to most residents will average about \$6,000, including tap-in fees and other associated costs. The CDBG money is in addition to \$800,000 in federal grant money already obtained to cover a portion of the construction. Kinosz said the larger grant was necessary to help pay for the section from Route 56 to Milligantown Road where there are few buildings to pay tap-in fees.

WHYY NEWSWORKS

From Early Bird EPA may get \$14 million for fracking research President Obama's spending plan for fiscal year 2013 trims 1.2 percent from the Environmental Protection Agency budget, but dedicates \$14 million to research on the environmental effects of hydraulic fracturing. EPA administrator Lisa Jackson said the funds would build on current efforts to study the impact of fracking on drinking water. "In collaboration with the Department of Energy and the US Geological Survey, we will begin to assess the potential impacts of hydraulic fracturing on air quality, water quality, and ecosystems," Jackson said. The EPA said it will release preliminary results of its current drinking water study this year. The budget also proposes an extra \$15 million for cleaning up the Chesapeake Bay. A huge restoration effort is already under way in which the federal government set limits on sediment runoff from Pennsylvania, Delaware, four other states and the District of Columbia. Funds under the new budget also will be dedicated to researching endocrine disrupters and green infrastructure.

CANON-McMILLAN PATCH

From Early Bird EPA Looking into *Marcellus Shale* Operations in Washington County The federal Environmental Protection Agency is investigating whether Marcellus Shale drilling and compressor station operations in the county have caused any environmental damage or violated federal regulations. The Pittsburgh Post-Gazette reported that the investigation into air, water and other hazardous materials impacts began in late September. That's when the agency told the newspaper that on-site testing was completed "and is the initial stage of a possible enforcement action or actions." "In Washington County, EPA has conducted inspections at active industrial operations including well pads and compressor stations," Terri White, an EPA spokeswoman at the agency's Philadelphia regional office, said in an email response to questions the Post-Gazette posed last week. The

newspaper reported "that the agency will not disclose the names of the facility or facilities where testing has been done until the investigation is complete, and that's expected to take 'several more months.'" Reached on the matter Monday, state Rep. Jesse White, D-Cecil, said he hopes for the best. "As someone who represents a region heavily dependent on the responsible development of Marcellus Shale, I sincerely hope the EPA investigation conclusively confirms the longstanding position by the industry that they are committed to public health and environmental accountability," he said. "I trust our industry neighbors will view this investigation as an opportunity to prove that their performance matches their promise to the people of Washington County." State Rep. Brandon Neuman, D-North Strabane, said, "Hopefully it will affirm that the process is being done properly. If there are any issues found with the process, hopefully we can move forward and make it safer so there is little to no risk to the people of Washington County and Pennsylvania." Matt Pitzarella, spokesman for Southpointe-based Range Resources—a Marcellus Shale company operating in Washington County—could not immediately be reached by Patch for comment on the matter Monday afternoon.

ROXBOROUGH-MANAYUNK PATCH

From Early Bird Area Votes: DeLissio, Parker Reject *Marcellus Shale* Bill Opposing the Marcellus Shale measure that eventually passed, state Reps. Pamela DeLissio (D-194) and Cherelle Parker (D-200) voted against the bill last week. In a statement, DeLissio, who represents most of Roxborough and all of Manayunk, explained her decision. "From tax rates to environmental safeguards and local control, the bill is inadequate and a big loser for all Pennsylvanians... This bill seriously lacks accountability and responsibility and essentially ties the hands of local authorities and the Department of Environmental Protection. The relatively low return to the communities from the impact fee comes at a very high cost," DeLissio said in a news release. In addition, area lawmakers in Harrisburg voted on two separate bills further establishing the definitions and punishments for crimes during sessions taking place the week of Feb 6. The Senate approved an amendment that further defines when and how businesses that sell alcohol should handle identification they believe to be fake, while the House approved an amendment that establishes theft of secondary metals, like copper and aluminum, as a felony if is enough is stolen. Elsewhere, the House approved an act that will create an online portal to assist businesses in completing forms, licenses and permits in an attempt to stimulate and ease the creation of new businesses in the State. Check the list below to see what else happened in Harrisburg and how the area's lawmakers voted.

WFMZ-TV ALLENTOWN

From Early Bird Pa. company files gas drilling application for site in Bucks State environmental officials say they've received a natural gas drilling application for Bucks County. Turm Oil, of Butler, Pennsylvania wants to drill into Lockatong Shale at the former Cabot chemical plant site in Nockamixon Township. Lockatong Shale is a rock formation not unlike Marcellus Shale. But in 2009 the Pennsylvania Geological Survey found there wasn't much useable gas at the Cabot site. The next year a Michigan company, Arbor Resources, canceled its permit for the site, after years of fighting with environmentalists. Meantime Turm's application is incomplete because the company didn't submit a fee with it. The company has until March 8th to do so

HARRISBURGH PATRIOT NEWS

From Early Bird Gov. Tom Corbett signs Marcellus Shale fee into law Monday afternoon Gov. Tom Corbett announced he had signed into law new environmental regulations and an optional fee on drilling for gas in the Marcellus Shale. The provision of the law allowing counties with drilling to impose a fee goes into effect immediately. Other provisions — notably increased bond amounts, set-backs from water sources and presumed liability for pollution — will take effect in 60 days. If all eligible counties adopt the fee, estimates for revenue are approximately \$180 million this year, climbing to \$264 million in 2014. Certain state agencies, such as the Department of Environmental Protection, will take fixed dollar amounts off the top of the revenues collected from the fee. What's left will be split, with 60 percent directly distributed to impacted counties and 40 percent to state programs. According to a governor's press release, "A significant percentage of the remaining 40 percent will also be distributed to those counties through either population- or road-mileage-based formulas, or through the awarding of competitive grants."

Commentary: Anti-coal agenda is detrimental to Pennsylvania

In 2010, Pennsylvania's Department of Environmental Protection reported that "Pennsylvania has the nation's largest abandoned mine problem, with approximately 180,000 acres of cliffs, coal refuse piles and other dangerous health features encompassing abandoned mine lands. More than two billion tons of coal refuse sits in piles across the state resulting in acid mine drainage, which is the largest source of water pollution in the state, degrading 5,500 miles of rivers and streams." Such hazards endanger the public, limit economic development and reduce recreational opportunities. Pennsylvania's Bureau of Abandoned Mine Reclamation estimates the cost and time to eliminate these problems and complete the cleanup of AML-AMD sites to be \$14.6 billion of taxpayer funds and take nearly 500 years. ... [Jeff A. McNelly is executive director of ARIPPA, the nonprofit trade organization representing independent environmentally beneficial alternative energy producers. www.arippa.org.]

WILKES-BARRE TIMES LEADER

From Early Bird Pileggi: Primary may be moved PLAINS TWP. – The state Senate majority leader said Monday the battle for redrawing legislative districts is not over and, if necessary, the April 24 primary could be moved. Dominic Pileggi, R-Chester, said Republicans are scurrying to meet the Wednesday deadline for revision of the redistricting plan. The revised plan would be voted on Feb. 22, he said... "It's not uncommon for Sen. Pileggi to reach out to members and to come into their specific regions to get a sense of concerns in the community and our legislative priorities," Baker said. "I always welcome an opportunity to exchange information directly and to discuss issues that are important to this region." One of those issues is the Marcellus Shale industry. Pileggi voted for the impact fee on every well drilling for gas, retroactive to the first well drilled in the Marcellus formation.

STATE IMPACT PENNSYLVANIA

From Early Bird Shale Gas Wells With Smaller Footprint to Get Greater Scrutiny One of the first Marcellus Shale wells to be permitted in the Delaware River watershed was neither horizontal, or hydraulically fracked. But environmentalists who challenged the permit issued by the Department of Environmental Protection say state regulators who approved the project took less than 35 minutes to review it and did not consider its impact on nearby rivers and streams. In a settlement announced by the Delaware Riverkeeper Network on Monday, the organization says those days of quick turn-around permit reviews are over. "The DEP needs to do a better job of reviewing permits, rather than just using its rubber stamp," said Delaware Riverkeeper Network attorney Jordan Yeagar. "This settlement will help make that happen." The Riverkeeper Network, along with Damascus Citizens for Sustainability, filed an appeal of the permit to the Environmental Hearing Board. Newfield Appalachia PA, LLC applied to drill the "Woodlands" well in Damascus Township, Wayne County, Pa., less than half a mile from the Delaware river. The nearby Hollister Creek watershed is also designated as a "Special Protection High Quality" (HQ) watershed. In a press release, the Delaware Riverkeeper Network says the DEP will now update its permitting process when it comes to shale gas wells located within designated high quality and exceptional value watersheds.

From Early Bird Obama Proposes \$14 Million for Fracking Research President Obama's proposed FY 2013 Environmental Protection Agency budget has a reduction of 1.2 percent, or \$105 million dollars, from the previous year. It's the third year in a row the agency has had to endure cuts. The proposed reduction comes at a time when the EPA has come under fire from Republican lawmakers, and some presidential candidates, who say the agency has engaged in over-regulatory zeal. But some of those same presidential candidates have faced questions about the dangers of fracking on the campaign trail. And the budget announced today includes research funds dedicated to the impact of hydraulic fracturing. The proposed \$14 million dollars will support research in conjunction with the U.S. Geological Survey and the Department of Energy that will "begin to assess potential impacts of hydraulic fracturing on air quality, water quality, and ecosystems." The EPA's total research budget of \$576 million includes \$81 million for the agency's STAR grants, which will support research on fracking, potential endocrine disruptors, and green infrastructure. At the end of this year, the EPA expects to release preliminary results of their current study on the impact of fracking to drinking water supplies. The study includes areas of Marcellus Shale drilling in Pennsylvania.

From Early Bird EPA Budget Cuts Could Mean Less Funding to States, Beach Protection, and Superfund Site Clean-up While more research dollars are proposed to look at potential public health and environmental risks of fracking, Obama's budget proposal for FY 2013 has been reduced by 1.2 percent, or \$105 million dollars. From the EPA's breakdown, here's a list of cuts: The FY 2013 President's Budget eliminates a number of programs totaling \$50 million including: the Clean Automotive Technology Program; Beaches Protection categorical grants; Environmental Education; State Indoor Radon Grants; the Support to Other Federal Agencies program within Superfund; and the Fibers program. The budget will slash more than \$37 million from the Superfund program, reducing the number of sites investigated and remediated by the agency. The Washington Post has more on the reductions:

Obama's Plan to Expand Fracking Research

Energy and Environment Daily has more details on the Obama Administration's plans to research the controversial oil and gas extraction method known as hydraulic fracturing, or fracking. E&E reporter Mike Soraghan writes that the Administration's proposal includes \$45 million dollars for a study that will go beyond the current EPA research on how drinking water quality is impacted by fracking. The research would be conducted by the EPA, along with the U.S. Geological Survey, and the Department of Energy. **More from E&E:**

ASSOCIATED PRESS (Pa.)

From Early Bird EPA examining gas drilling in southwestern Pennsylvania PITTSBURGH — The U.S. Environmental Protection Agency is examining the impact of natural gas drilling in southwestern Pennsylvania. EPA spokeswoman Bonnie Smith tells the Pittsburgh Post-Gazette that the agency began investigations in late September. "The EPA is assessing the findings of our air, water and hazardous waste investigations in Washington County," said Smith, an EPA spokeswoman in Philadelphia. The agency will not disclose the names of the facility or facilities where testing has been done until the investigation is complete, which will take several more months. Washington County, just south of Pittsburgh, is a hotbed of Marcellus Shale gas development. It has more wells and compressor stations, which pump natural gas through pipelines, than any other county in the region. The hydraulic fracturing drilling technique involves the high-pressure injection of mixture of water, sand and chemicals deep underground to free the trapped gas. And emissions of air pollutants by compressor stations — including nitrogen oxides, sulfur dioxide, airborne particulates and carbon monoxide — have the potential to adversely affect air quality, the newspaper reports. EPA has done at least one investigation to test air, water and land effects in Pennsylvania in each of the last five years, Smith said. Such investigations can target single facilities, multiple facilities or environmental problems in a given area.

Meehan, Casey tout \$31M for Delaware River project in budget

PHILADELPHIA (AP) — President Obama's new budget proposal includes \$31 million for deepening of the Delaware River shipping channel, a project that supporters say will create jobs and economic development but opponents say will damage the environment. The construction money is included in the U.S. Army Corps of Engineers' \$4.73 billion civil works spending plan released Monday for the fiscal year that begins Oct. 1. The news follows an announcement last week that the Corps had allocated almost \$17 million in additional funding for the deepening of the channel. Proponents say deepening the channel from 40 to 45 feet could mean tens of thousands of jobs, both directly and indirectly connected to the port, and will keep the port of Philadelphia competitive with others ports on the East coast. Some environmental groups, however, have argued that the dredging could stir up toxic sediment, endanger drinking water supplies and hurt fisheries. U.S. Rep. Pat Meehan, R-Pa., also hailed the decision and said he is urging colleagues to support the funding. He said the port was one of the mid-Atlantic region's most important economic engines but its future was in jeopardy since expansion of the Panama Canal will mean that "within five years all container lines at the port of Philadelphia will operate vessels needing a 45-foot draft." Opponents, however, earlier this month released a study suggesting that the Corps was using unrealistic economic assumptions for the project. U.S. Sen. Bob Casey, D-Pa., called the funding a victory for the region Monday, saying the project "will increase commerce in the region, which will in turn create jobs."

SCRANTON TIMES-TRIBUNE

Corbett signs impact fee law

HARRISBURG - Counties with active Marcellus Shale wells can now adopt ordinances to levy an impact fee to offset the public costs of drilling activities. The impact fee law signed by Gov. Tom Corbett Monday night provides an immediate 60-day timetable for county commissioners to adopt ordinances. The law gives municipal officials an avenue to pursue an impact fee if commissioners don't want one. Half of the municipalities in a county could vote to authorize a countywide impact fee in that situation. The impact fee is structured on a sliding scale from \$40,000 to \$60,000 the first year, depending on the price of natural gas and inflation with the fee declining over 15 years. The law also updates state environmental regulation of drilling activities. Contact the writer: rswift@timeshamrock.com

ALLENTOWN MORNING CALL

2012 Great Backyard Bird Count begins Friday

People across North America will spend time helping scientists in the watch program. If you can tell the difference between an American robin and a bluebird, this weekend is one of the great opportunities to use your eyes and ears and help take a living snapshot of area bird populations. The four-day Great Backyard Bird Count begins on Friday, and people all over North America will be giving as little as 15 continuous minutes to help scientists in the citizen-science watch program.

POCONO NEWS.NET

Riverkeeper reports settlement over gas well BRISTOL PA - The Delaware Riverkeeper Network (DRN) announced the settlement of an appeal DRN filed with the PA Environmental Hearing Board concerning one of the first shale gas wells drilled in the Delaware River Basin. The well is a vertical gas well and was not hydraulically fractured. The appeal -- filed in coordination with Damascus Citizens for Sustainability and local residents -- involved the Newfield Appalachia PA, LLC "Woodlands" well in Damascus Township, Wayne County, Pennsylvania. The well is located within the Hollister Creek watershed, a designated Special Protection High Quality (HQ) watershed. The project is also within the Upper Delaware River Basin and is approximately 0.43 miles from the Delaware River. This section of the Delaware River Watershed is located within the Upper Delaware Scenic and Recreational River, a National Wild and Scenic River. During the course of the appeal, DRN conducted depositions of DEP personnel involved in approval of the well permit. As a result of these depositions, DRN was able to establish that for well projects with under five (5) acres of earth disturbance, the Department has not considered the potential impacts of these projects on special protection watersheds. DRN was also able to establish that for the wells that have been drilled within the Delaware River Basin, the Department has not considered the potential impacts of those wells on the Delaware River or the Delaware River Basin. Further, DRN established that Department personnel who are responsible for reviewing permit applications have spent, on average, less than thirty-five (35) minutes per permit prior to granting final authorization. As part of the settlement of this appeal, DRN and the other appellants were successful in obtaining important programmatic changes. These changes will improve how future well permits are processed throughout Pennsylvania and will provide greater protection to Pennsylvania's high quality and exceptional value watersheds.

DAILY LOCAL NEWS

Movers and shakers

Tom Ei was named to the board of directors at Partnership for the Delaware Estuary. Ei, of Landenberg, is a remediation team manager at DuPont, where he oversees professionals working to clean up environmental contamination. His work spans multiple locations in the mid-Atlantic region, and Central and South America. He also serves as a core team member responsible for Clear into the Future, a program launched by DuPont to conserve healthy resources in the Delaware Estuary. Previously, he worked as a DuPont geologist for 18 years, leading individual cleanup projects to safe conclusions.

WASHINGTON, D.C.

WASHINGTON POST

From Early Bird Obama's policies on environment go on the back burner WASHINGTON -- After pushing through some of the most sweeping and contentious environmental measures in years, the Obama administration has slowed action on several policies as it calculates what it should undertake before the end of the term. Rules aimed at curbing emissions from cars and light trucks are on hold because the White House has yet to give the Office of Management and Budget the go-ahead to review them. And a proposal to regulate soot, ready last fall, will not be issued before June. Several of the regulations hanging in the balance have broad support among not just environmentalists, but also key industries as well as hunters and anglers. But they could impose new costs on consumers and certain sectors of the economy, which has sparked opposition and complicated the administration's political calculus. "Behind the scenes, [the Environmental Protection Agency] is pressing to get rules out before the administration pulls up the drawbridge and goes into campaign mode," said Joe Stanko, who heads government relations at the law firm Hunton & Williams. "It will be a battle to see how far down EPA's shopping list they get." White House spokesman Clark Stevens wrote in an email that the administration would seek to balance economic and environmental considerations when deciding what regulations to issue in the coming year. "The administration has a strong record of implementing smart, sensible steps that protect consumers, public health and the environment, informed by feedback from the public and industry and guided by the president's goal of supporting economic growth while protecting the air we breathe and the water we drink," Mr. Stevens wrote. "This includes historic fuel economy standards that will dramatically reduce oil consumption, slash vehicle emissions, all while saving American families thousands of dollars at the pump, as well as the first national standard for mercury emissions."

From Early Bird Obama's EPA budget: 1.2% cut would reduce aid to states, but Chesapeake Bay would get more funds The Obama administration proposed trimming the Environmental Protection Agency's budget 1.2 percent Monday, cutting money to the states and for hazardous cleanup even as it boosted money to restore the Chesapeake Bay. The \$8.3 billion funding request represents a \$105 million cut below EPA's 2012 enacted level. In it, the White House slashed funding for the Superfund Remedial Program by \$33 million but pledged to provide the money "necessary for EPA to be prepared to respond to emergency releases of hazardous substances and circumstances that place the public at imminent risk of exposure and harm." The proposed budget would also cut \$50 million by eliminating what the administration describes as "outdated, underperforming, and overlapping programs within EPA." The EPA's budget — especially its programs aimed at addressing climate change — have been the source of intense attacks on Capitol Hill, and it is likely congressional Republicans will seek far greater cuts than what the administration is seeking. In the budget proposal the White House allocated an additional \$15 million for restoring the Chesapeake Bay, the target of a major initiative to curb the nutrient and sediment flowing into it from several states. The budget maintained the \$300 million slated for aiding the Great Lakes, whose habitat and waters have been degraded over time.

From Early Bird Md. lawmakers wrangle over natural gas tax Sharp disagreement has surfaced in the Maryland legislature over how much to tax natural gas production in the event Maryland allows energy companies to drill for shale gas deep below the state's westernmost counties. Del. Maggie McIntosh (D-Baltimore) and Del. Sheila Hixson (D-Montgomery) on Friday introduced a bill that would let the state collect 15 percent of the wholesale value of any natural gas produced from Maryland's portion of the Marcellus Shale. That's six times the rate proposed by Sen. George C. Edwards (R-Allegany and Garrett), who earlier introduced a bill to set the "severance tax" rate on natural gas at 2.5 percent. Though the mechanisms differ, both bills propose to use the resulting revenue in the affected areas to address the potential environmental and public health impacts of gas production. But the wide gap between the proposed tax rates in the House and Senate versions creates uncertainty about the chances of compromise and passage of a unified bill. "We'll be sitting down and negotiating, so you'll probably see

something halfway,” Hixson said, adding she had not read Edwards’s bill. But Edwards, reading the House bill for the first time on Monday, called a 15 percent severance tax “ridiculous.”

O'Malley's bay cleanup proposals could hurt small businesses, analysis claims Fiscal reports released Monday conclude two proposals at the core of Maryland Gov. Martin O'Malley's (D) environmental agenda could hurt small businesses, despite previous claims to the contrary by the O'Malley administration. Restricting large housing developments built with septic systems, which O'Malley said would safeguard farmland and protect the Chesapeake Bay, “may have a meaningful adverse impact on many small business residential developers, homebuilders, and associated contractors,” according to a nonpartisan analysis by the state's Department of Legislative Services. A separate analysis concluded a proposed increase in the “flush tax” on water usage for Chesapeake Bay restoration could also have a negative effect on business. The analysis found that “many small businesses will pay an increase of more than 250% in bay restoration fees, which may represent a meaningful adverse impact on at least some small businesses, particularly those engaged in operations that require significant water usage.”

Alexandria power plant fined again

Alexandria's coal-burning power plant, scheduled to shut down Oct. 1 after years of local opposition, must pay a \$280,704 fine for violating air-quality laws, the largest such fine ever imposed against the plant. The GenOn Potomac River power plant, whose five stubby smokestacks loom over the north end of Old Town Alexandria, exceeded its nitrogen oxides limit six times between June 28 and July 18, 2011, according to a consent decree issued by the Virginia Air Pollution Control Board last week and agreed to by GenOn. Asked why the penalty was so high, Sarah Baker, regional enforcement manager for the Virginia Department of Environmental Quality, said “Compliance history is taken into account when we're assessing fines.” The company has been fined before, and the most recent penalty was \$5,000 more than the largest fine assessed in May.

THE HILL (DC)

GOP revives pipeline push in highway bill

House and Senate Republicans are using battles over high-profile transportation bills this week to demand construction of the Keystone XL oil sands pipeline. The GOP sees the battle over Keystone as an election-season political winner, but faces long odds of attaching pipeline provisions in the Senate, much less winning President Obama's signature. ... Pipeline backers — a group that includes most Republicans, some Democrats, major business groups and several unions — call the project a way to create jobs and boost energy security. But critics, who call job estimates inflated, say it's a bad idea, citing greenhouse gas emissions and other damage from Alberta's tar sands projects, fears of spills along the route and other concerns. The project faces bitter opposition from environmentalists and liberal Democrats.

DELAWARE

WILMINGTON NEWS JOURNAL

From Early Bird Delaware City Refinery pollution continues for second day 14 tons of sulfur dioxide gas released Monday. The Delaware City Refinery reported a second day of major refining unit upsets on Monday, with releases of sulfur dioxide gas from emergency-disposal flare burnoffs estimated at 28,000 pounds. Monday's troubles affected the plant's catalytic cracking unit, a more than 80,000-barrel-per-day system that mainly produces gasoline from partially refined crude oil. PBF Energy spokeswoman Lisa Lindsey said electrical systems for pumps associated with the unit failed during maintenance preparations. Both were reported to be back in service shortly after 4 p.m., and Lindsey said workers were returning the plant to normal service. On Sunday, troubles in the plant's 54,500-barrel-per-day coking unit and a related pollution-control system sent odors, soot and other

pollutants blowing across Delaware City, prompting a large number of complaints in the community. Sulfur dioxide is a respiratory irritant often found in urban smog that has been tied to formation of acid rain and toxic soot. Federal regulators have tightly controlled releases of the pollutant from refinery flares in recent years. State and federal regulators also required the plant's previous owners to spend hundreds of millions of dollars on sulfur emission-control systems, after determining that the Delaware City plant's biggest units were among the largest refinery emitters of sulfur dioxide nationwide. The single-day releases by the plant on Monday exceeded 50 percent of the total annual sulfur-dioxide emissions that can trigger a factory's ranking as a major source of the pollutant under federal rules.

DELAWARE CAPE GAZETTE

From Early Bird Where'd all the water go?Milton — Milton public works employees are investigating what appears to be a major malfunction in the town's water system. Every three months, somewhere between Milton's water treatment plant and residents' homes, 11 million gallons of water is vanishing. Residents learned of the disappearing act when Councilwoman Marion Jones questioned town staff at the Feb. 6 monthly town council meeting. She said it may not be wise to move forward with a \$3.45 million project to build a new water tower until officials figure out where the missing water is. "What concerns me is riding side-by-side of taking out a loan and a 30-year commitment," she said. "If [the problem] is something as simple as software ... that would be one thing, but if it were to be something much more major, you're talking about funds." She said if the town commits to repaying between \$86,000 and \$143,000 per year for a new water tower and treatment building, she worries where it will get money to fix what could be a major problem in the town's current water system. Town Manager Win Abbott said since 2007 the water pumped has not equalled the amount of water billed. "I became aware of this six or eight weeks ago, and we've been aggressively pursuing every single angle with regard to that," he said. Town engineer Scott Hoffman said the town has meters on each well and in the water treatment building. Those meters are calibrated every year, he said. The discrepancy appears to occur after the water leaves the treatment building, meaning there could be a leak in the system or the meters on individual homes are not functioning properly. Public works staff says the system is not leaking. Hoffman said an average of 31 million gallons of water is pumped each quarter, but only 20 million gallons are billed. He said he believes the problem is either with software or the meters on residents' homes.

From Early Bird Water system improvements spark heated debate Milton — The fate of Milton's water system upgrades hangs in the balance after residents and council members raised concerns about various issues. Of utmost concern for town officials is the status of a loan to fund the project. Following a presentation to the public about the project, Councilwoman Mary Hudson read a letter from the state's Division of Public Health that seems to clearly state the town has lost the funding. "The project will be bypassed and funds used for other projects ready for construction," she said, quoting the Jan. 11 letter. "This project has been stalling for about 14 months with no clear indication that forward progress has been made." The town officials were expecting to receive a \$3.45 million, 30-year loan with 35 percent principal forgiveness and a 1 percent interest rate from the Drinking Water State Revolving Fund, which is funded extensively by the U.S. Environmental Protection Agency. Town Manager Win Abbott said health officials indicated they were being pressured by the EPA to give the funds to another project. If the town loses the loan, Mayor Cliff Newlands said the town will likely reapply for a similar loan from the same program in August, delaying the project in the process. However, the town is not going to give up the money without a fight. Town Engineer Scott Hoffman said he's working with Abbott to get firm answers. Hoffman said the contact person for the loan has been out of the office since the letter was sent, so he wouldn't consider the loan a lost cause just yet. Town council set a referendum for Saturday, March 24, but may cancel it at the Monday, March 5 meeting if the loan is no longer a possibility.

ASSOCIATED PRESS (Del.)

From Early Bird Pa. town infested by crows, residents complain CALIFORNIA, Pa. — Residents of a southwestern Pennsylvania town say they're under siege by thousands of crows that won't go away. The crows are hanging out overnight in California, Washington County. Residents and business owners say they're loud and dirty

and keeping people inside. One woman stuck a scarecrow in a tree, hoping to chase off her avian occupiers. It didn't work. California University of Pennsylvania tried lasers and other measures trying to chase the birds off campus.

NEWSWORKS

Project funding The Delaware Department of Natural Resources and Environmental Control has two public meetings scheduled this week with its Community Involvement Advisory Council to provide more information on the state's Community Environmental Project Fund. Tonight and Thursday, prospective applicants can learn more about how to apply for funding for their environmental projects. Keep in mind that not any old Joe Schmo can apply. Eligible parties include:

- Delaware civic and community organizations
- nonprofits
- educational institutions
- counties
- municipal governments
- state agencies
- quasi-state agencies representing communities where environmental violations have occurred

CEPF dollars go toward projects that reduce pollution, improve environmental conditions or enhance natural resources. Applications are due March 16.

WEST VIRGINIA

CHARLESTON GAZETTE

From Early Bird Blog: President Obama's budget and coal I've really been interested in cruising around on the great interactive map on The New York Times' website, showing county-by-county numbers for federal aid's role in local incomes around the country. It's really fascinating, and shows a lot about an issue we've talked about before here on Coal Tattoo. Both Paul Krugman and Jared Bernstein had interesting blog items about the map. Today, as I slowly made my way through the Obama administration's budget proposals for various government agencies looking for story ideas, I couldn't help thinking about the broader contradictions in all of this stuff about government spending. Some people love to pick on government spending, but what happens if their local road has a bunch of potholes or their heat doesn't work at their kids' school. More to the point with this blog — In tough times, maybe it seems easy to cut spending for agencies like the federal Mine Safety and Health Administration and the Office of Surface Mining Reclamation and Enforcement. But what happens — as we approach the 40th anniversary of Buffalo Creek — if, God forbid, a huge coal-slurry impoundment collapses in Southern West Virginia or Eastern Kentucky? Well, one thing that happens is that a bunch of national press that were last seen talking about too much government spending will parachute in to report about how federal regulators failed to make sure the dam was safe. An extreme example? Maybe. But who wants to be the one who explains to families that MSHA didn't stop a coal-mine from blowing up because they were short a couple of inspectors? Anyway, here are a few of the more interesting things I noticed in President Obama's budget proposal for agencies that deal with the coal industry:

From Early Bird Blog: Update on Blair Mountain mining activities In the absence of any additional information — any information, actually — from the folks at Arch Coal, I thought I would pass along a report just in from Brandon Nida at the Friends of Blair Mountain. Here it is: Developments at Blair Mountain (Feb. 13 2012) This report is a write-up of the most current observations. It concentrates on only two permits. It does not cover the Camp Branch permit owned by Alpha Natural Resources. It is important to realize there is a distinction between the

National Register Battlefield Boundaries (NRBB) [See [here](#) for copies of maps], and the actual battlefield area. The NRBB is an arbitrary line that initially encompassed 20,000 acres, then 3200 acres, and now has been scaled back to 1600 acres. It excludes many of the property owners in Blair, and does not fully encompass the areas where combatants maneuvered. In reality, the Camp Branch, Left Fork, and Bumbo No. 2 permits are operating at different stages and irrevocably impacting the Blair Mountain battlefield

From Early Bird Putnam water ranks in top five nationally CHARLESTON, W.Va. -- The Putnam Public Service District was recently recognized as one of the top five best tasting tap waters in America. They earned the ranking during this year's "Great American Water Taste Test" in Washington D.C., according to a media release. Of the finalists, Putnam PSD is the only system that draws its water from the earth's surface rather than from underground, the release states. "Surface water is more difficult to treat than groundwater and requires a more rigorous treatment process, as there is enhanced risk for contaminants that could alter the taste of the finished product," according to the release.

From Early Bird Plans for a 90-mile excursion train loop in mountains proposed CHARLESTON, W.Va. -- A plan to develop a 90-mile excursion train loop through the rugged highlands east of Elkins was unveiled during a meeting of the West Virginia Tourism Commission on Monday. The proposed Highland Adventure of Mountain & Rail would make use of the existing track of the state-owned West Virginia Central Railroad, on which the Durbin Rocket, Cheat Mountain Salamander and Tygart Flyer excursion trains now operate, and the Cass Scenic Railroad. Track from a stretch of West Virginia Central rail bed between Spruce in Pocahontas County and Bergoo in Webster County that was rendered unusable following the 1985 flood would be recycled and used to connect Durbin in Pocahontas County to Glady, Bemis and Elkins in Randolph County to the north and Cass to the south. With the additional track in place, it would be possible to travel by excursion train southeast from Elkins to Bemis, Glady, Durbin and Cass, and then travel west to the town site of Spruce, loop north to Cheat Bridge, High Falls and Bemis and return to Elkins. Much of the route travels through the Monongahela National Forest along Shavers Fork and the West Fork of the Greenbrier River. The rail bed from which the track would be removed and recycled would become a rail trail under the plan, giving hikers and bikers a 30-mile pathway along the headwaters of the Elk River. Using rail connections, hikers and bikers would have easy access to the Greenbrier River Trail at Cass, the West Fork Rail Trail at Durbin, and the Allegheny Highlands Trail at Elkins. The 90-mile circular route would make it possible for eight trains to make daily departures from eight cities and towns. In addition to opening up new vistas to rail tourists, the loop route allows passengers to avoid the scenery replays that occur on the out-and-back routes nearly all other tourist trains follow, said John Smith, president of the Durbin & Greenbrier Valley Railroad, which operates the Durbin Rocket, Cheat Mountain Salamander and Tygart Flyer excursion trains.

From Early Bird Court orders nonresidents to pay Hurricane sewer fee CHARLESTON, W.Va. -- Three men who live outside Hurricane city limits and challenged a storm water sewage fee levied by the city had their appeal denied by the state Supreme Court last week. John Shannon, Frank Lipscomb and Robert Wyrick sued Hurricane last year for charging an \$18-per-year storm water treatment fee to residents who live outside Hurricane city limits. In their suit, the men claimed city officials should have no right to charge noncity residents for what they said should be the city's own problem. Putnam Circuit Judge O.C. Spaulding first dismissed the case. Without hearing oral arguments, the state Supreme Court upheld Spaulding's decision on Friday. "As the circuit court found, the legitimate purpose is the City of Hurricane's desire to reduce the amount of sediment, bacteria, and trash that is in storm-water runoff that flows into and is treated by the city," the Supreme Court's decision states. "A reasonable way to meet this goal is to impose a fee upon the people who actually benefit from and use the storm-water management system." The men claimed charging the storm water fee was unconstitutional because they are not Hurricane residents and cannot vote in elections for City Council, which imposed the charge, according to the Supreme Court's decision

PARKERSBURG NEWS AND SENTINEL

From Early Bird Dominion rep sees future in gas drilling PARKERSBURG - Through projects under way,

Dominion is positioning itself to be able to take advantage of the developing Marcellus and Utica Shale deposits. Chuck Penn Sr., manager of media/community relations for Dominion Transmission and Dominion Hope, gave an overview of the company and its position in the state to the Parkersburg Rotary Club Monday. Dominion is one of the largest energy companies in the United States and one of the largest storers of natural gas in the country, he said. "We are poised by virtue of where our infrastructure is located and the infrastructure of the process facilities we are building to capitalize on the Marcellus and the Utica deposits since our infrastructure sits right in the middle of both of them," Penn said. "It is going to open up a lot of work for us." West Virginia is being considered for one or more multibillion-dollar chemical processing plants, also known as an ethane cracker plant. A cracker plant converts ethane, a byproduct from Marcellus Shale natural gas, into the widely used ethylene. It is a key component for the plastics industry. "Our focus has been to be ready to have our infrastructure in place for all the producers," Penn said. "As the markets develop, we want to make sure we've got the ability to process that gas and store that gas to transport it." Dominion has more than 1,300 employees in West Virginia with 80 percent of those employees union workers. Annual payroll is more than \$142 million in West Virginia.

MARYLAND

BALTIMORE SUN

From Early Bird Obama budget cuts would hit Maryland WASHINGTON — Labor unions that represent government workers — and some Maryland Democrats — criticized the budget President Barack Obama unveiled Monday for cutting \$27 billion in federal employee pensions while offering what they called a modest, half-percent raise. The \$3.8 trillion spending plan for 2013 would trim \$4 trillion from the national debt over a decade through a combination of tax increases on the wealthy and spending cuts. Many of those reductions would affect Maryland, including funding for Chesapeake Bay cleanup, teaching hospitals such as Johns Hopkins and research grants awarded by the Bethesda-based National Institutes of Health. Sen. Benjamin L. Cardin praised the White House for taking a "balanced approach" to deficit reduction but said he is concerned about proposed cuts to the federal workforce and bay programs as well as a proposed freeze in funding for the NIH. "The men and women of these federal agencies are on the front lines keeping our nation safe from diseases and bioterrorism, and they are on the cutting edge of finding the cures for cancer and Alzheimer's and so many other crippling ailments," the Maryland Democrat said in a statement. Obama's budget, which is unlikely to advance in the bitterly divided Congress, would require federal employees to increase their contribution to their own retirement plans by 1.2 percent over three years. The plan would end a two-year salary freeze by offering those workers a half-percent cost-of-living raise. Maryland is home to nearly 300,000 civilian federal employees — about 10 percent of the state's workforce. "The White House and congressional leaders should not treat federal employees' paychecks like an ATM machine," said John Gage, president of the American Federation of Government Employees. "Federal employees have already sacrificed more than the president is asking from the big banks."

From Early Bird Md. sturgeon restoration effort in limbo Federal rules to protect endangered fish complicate restocking. The slow, difficult, 9-year-old effort to restock sturgeon in the Chesapeake Bay faces a new, possibly insurmountable, challenge — the federal government recently declared that the Chesapeake's depleted population of the fish is endangered, meaning any efforts to handle or work with them just got tangled up in more red tape.

From Early Bird More Inner Harbor trees cut More trees have been cut down in the Inner Harbor - for bikers and hikers this time, not race car fans. A contractor removed 13 trees last week on Light Street by the Harborplace pavilion, according to Adrienne Barnes, spokeswoman for the city's Department of Transportation. They had to go, Barnes said, to make way for the final leg of the Jones Falls trail, which tracks the stream of the same name from Robert E. Lee Park through the city. This leg is to extend from Penn Station down the Fallsway and around Light Street to the Visitor's Center by Harborplace. There, it's to link up with the Gwynns Falls trail which runs up the

western side of Baltimore. There'll be 21 new Bloodgood London plane trees planted along Harborplace to replace the lost foliage, Barnes said. The trees removed weren't in great health, she contended.

From Early Bird Baltimore area's federal agencies seen as a 'growth industry' Social Security is region's fifth-largest employer. Despite budget cuts and anti-government rhetoric in Congress, Maryland officials say the two huge federal agencies based in Woodlawn — which have long helped buoy the region's economy — may be better positioned than others to ride out the political turbulence expected over the next several years.

BAYNET.COM

From Early Bird Cardin Calls Obama's Budget a Balanced Approach to Challenges Facing the Nation (Press Release) “We need to get Americans working again. I am encouraged that the budget unveiled by President Obama keeps our fragile economy moving closer toward recovery by investing in American businesses and American workers. I share the President’s desire to ensure that we as a nation can out-compete anyone, anywhere around the globe, especially with the help of targeted education and training programs for the workers of today and the future. I applaud the President for taking a balanced approach to tackling the long-term fiscal challenges facing the U.S. and bringing our budget into greater balance. I hope Congress is bold enough to follow his lead in this area. “As a member of the Senate Budget Committee, I look forward to reviewing all of the details of the President’s budget framework. I agree with the President that we need a budget that balances both revenue and spending cuts with strategic investments that will help our nation regain a firm financial ground that fosters economic growth that benefits all Americans. However, after an initial review, I do have some concerns about how the President reaches some of his specific goals. I look forward to working with the Administration and my colleagues to find the best path forward for our nation. “I agree with the President that investing in the training of students and workers through our quality community colleges is a great way to connect skilled workers with businesses ready to hire. His recommended investments in restoring the health of the Chesapeake Bay also have the potential to pay great dividends for Maryland’s economy and for that of the entire Chesapeake Watershed region. “I also was pleased to see the President support an end to the two-year pay-freeze for federal workers, who have thus far made a \$60 billion contribution to solving our fiscal problems. These middle-class workers have been shouldering this burden while tax cuts have remained in place for millionaires and billionaires. I feel strongly that we should have a greater level of fairness in the federal budget rather than further penalize these public servants through harmful cuts to their retirement security. And while I applaud the investments proposed to support our health care system through the Department of Health and Human Services, cuts to the Centers for Disease Control and a freeze in funding for the National Institutes of Health also need to be reviewed carefully. The men and women of these federal agencies are on the front lines keeping our nation safe from diseases and bioterrorism, and they are on the cutting edge of finding the cures for cancer and Alzheimer’s and so many other crippling ailments.

SALISBURY TIMES

From Early Bird Company moves ahead with plans to use manure for energy at ECI PRINCESS ANNE -- There are about 44 miles between Chuck West's farm in Millsboro and a proposed manure-to-electricity plant in Westover on state prison land. That's nearly 30 miles farther than energy producers want manure hauled to reach the proposed ECI Biogas facility, where EcoCorp Inc. intends to convert chicken waste into electricity and custom-blended fertilizer for market. Arlington, Va.-based EcoCorp Inc. is contracting with farmers to transport 8,000 tons of chicken manure annually within 15 miles to Eastern Correctional Institution, said John G. Ingersoll, president and chief executive of EcoCorp. The company would pay 1 cent per pound of chicken litter, or about \$20 per ton in today's market. In all, that's \$160,000 for 8,000 tons, he said. West, a chicken grower and farmer, figures a farmer could earn several hundred dollars per truckload. "Chicken litter is a pretty hot commodity," he said. "They're paying \$400 or \$500 per truckload; a truck holds about 25 tons. I'd be willing to sell some to the company."

From Early Bird Commentary: Harris is part of the problem Today, I’m going to share why Andy Harris needs to be a one-term representative in Congress. We may not agree on every issue, but we must agree that Congress has been a big problem the past two years, failing to solve any of the nation’s real issues, with jobs being No. 1. I think

it's commendable that there are representatives who believe in principles; however, when principles dictate no negotiation or compromise, they become words only, without achievement. Our country can't afford such luxuries. We hear about more people being on food stamps; that's because more people are unemployed, a result of the financial meltdown that exploded in 2007. Lack of regulations and unethical conduct on Wall Street caused the pain and suffering on Main Street. People are crying out for jobs, while our biggest, most profitable corporations sit on trillions in unused cash. My high school history teacher taught us: "If you're not part of the solution, then you're part of the problem." Harris has been dismally poor in finding solutions. Whenever there has been an opportunity to create jobs without gimmicks, he was opposed. He carries his record from the Maryland Senate, where he opposed preserving the Chesapeake Bay, open spaces, wildlife refuges, solar grants, renewable electricity standards, emissions standards for power plants and cars, improved fuel economy standards, and improved energy efficiency standards.

From Early Bird Accomack supervisors to seek Town Center comment Monday PARKSLEY -- A zoning change that would advance plans for a massive Wattsville development and its accompanying Atlantic wastewater proposal will be the subject of a Monday hearing. A zoning text amendment that would change the definition of public utilities in the county zoning ordinance to include utilities owned and operated by companies is the subject of a public hearing set at Metompskin Elementary School in Parksley. The hearing before the Accomack County Board of Supervisors begins at 7 p.m.

SOUTHERN MARYLAND ONLINE

From Early Bird Commentary: Can a Gas Tax Make a Healthier Bay? Has Gov. Martin O'Malley's broad array of tax increase proposals got you bummed out? Cheer up, there's a bright spot. If O'Malley succeeds in his plan to impose Maryland's 6 percent sales tax on the purchase of gasoline, he will not only boost revenues for long overdue highway, bridge and mass transit projects, but possibly help clean the Chesapeake Bay at the same time, a formula that could work not just in Maryland, but in all of the Bay states. Here's how it works: Up to one-third of the nitrogen that pollutes the bay and its rivers comes from the air, and much of that comes from motor vehicle emissions. Thus, to the extent that Marylanders find the higher gas tax so burdensome that they drive less or trade up to more fuel-efficient vehicles, the bay gets a little breathing space. Cheap energy is a curse to the environment. So, driving up the cost of gasoline is an effective countermeasure. Now, there are caveats: If gasoline tax revenue comes in lower than expected, there may not be enough to invest in mass transit projects, which also serve the bay. If drivers seeking fuel efficiency switch to electric cars, that may not help much either. Electricity comes mostly from coal, which adds mightily to air and water pollution. Nonetheless, the concept of raising the federal gasoline tax as an environmental tactic has won broad support from prominent economists in both political parties over the last two decades. As an early warrior against global warming, Massachusetts Sen. John F. Kerry was famously in favor of a 50-cent per gallon federal gasoline tax increase — before he was against it as a presidential candidate. Yes, the political challenge is not for the timid. But raising the gasoline tax has many potential benefits beyond the extra money and perhaps cleaner air it

ASSOCIATED PRESS (Md.)

From Early Bird Chesapeake Bay Program sees increase in Obama budget, other bay ... BALTIMORE — The Environmental Protection Agency's main program to restore the Chesapeake Bay would get more money but other projects for the water way would be cut in the budget released Monday by President Barack Obama, a Chesapeake Bay Foundation official said. The budget calls for \$15 million to be added to the \$58 million budget for the EPA's Chesapeake Bay Program, Chesapeake Bay Foundation Federal Affairs Director Doug Siglin said. However, Siglin said the budget also calls for an overall cut in EPA funding, including a 20 percent from a \$2.5 billion EPA revolving fund that provides money to the states for clean water programs. The spending plan also cuts staffing for the Department of Agriculture's Natural Resources Conservation Service which helps farmers reduce runoff and other pollution from their farms, he said. "So, the really good news about the Chesapeake Bay Program is mitigated somewhat," Siglin said. The EPA's revolving fund provides assistance to states and local jurisdictions to reduce pollution from sewage treatment plants and urban and suburban runoff. Siglin said they are critical components of

state plans to achieve their pollution reduction goals under the EPA's new federally led bay restoration strategy. While progress is being made to reach the goals by the strategy's 2025 deadline, federal, state and local resources "all are part of the mix and need to stay at as a high level as possible." However, the president is facing pressure to control federal spending. The budget announced Monday is designed to remove \$4 trillion from the federal deficit in 10 years through cuts and higher taxes on the wealthy. And he immediately faced criticism from Republicans that the budget failed to address the nation's fiscal problems.

From Early Bird Md. governor to testify on offshore wind measure today ANNAPOLIS — Gov. Martin O'Malley will be speaking today in support of a bill aimed at developing offshore wind energy in Maryland. O'Malley, a Democrat, is scheduled to testify before the Senate Finance Committee. The governor has made the measure a priority of his legislative agenda again this year. Last year, a bill that would have required utilities to enter long-term wind power contracts failed due to concerns about the costs to customers. This time, O'Malley is backing a measure similar to a New Jersey law that sets requirements, but doesn't require long-term contracts.

SALISBURY TIMES

Legislation would aid Berlin farm family

ANNAPOLIS -- If a piece of legislation introduced Monday in the Maryland General Assembly becomes law, the University of Maryland, Baltimore will have to pay the legal expenses of the farm they are suing, even though the lawsuit has not been settled by the courts. The legislation was introduced by Sen. Richard Colburn, R-37-Dorchester, and it would require the university to use its appropriation for fiscal year 2013 to pay up to \$500,000 of the farm's legal expenses. "(Senate Bill) 945 is an outrageous attack on clean water by a small handful of extremists in the state legislature and is grandstanding at its worst," said Kathy Phillips, executive director of Assateague Coastkeeper. "It will backfire and help rally efforts to force Perdue to share responsibility for the pollution caused by the dumping of 550,000 tons of chicken manure on our land and into our waterways each year in Maryland." "(Senate Bill) 945 is an outrageous attack on clean water by a small handful of extremists in the state legislature and is grandstanding at its worst," said Kathy Phillips, executive director of Assateague Coastkeeper. "It will backfire and help rally efforts to force Perdue to share responsibility for the pollution caused by the dumping of 550,000 tons of chicken manure on our land and into our waterways each year in Maryland." The federal lawsuit was filed against Berlin farmers Alan and Kristin Hudson and Perdue Farms in March 2010 by the Assateague Coastkeeper and the Waterkeeper Alliance. The University of Maryland Environmental Law Clinic, which was founded with the goal of protecting the Chesapeake Bay, later signed on as counsel for the Waterkeeper Alliance.

HAGERSTOWN HERALD-MAIL

What's Wrong with This Picture?

The problem: "Someone should research the reason behind the horrific smell around Antietam Battlefield," Kendra Harmon wrote in an email. "The smell on most days in Sharpsburg and behind the battlefield on Old Keedysville road is unbearable!" Harmon said she heard the smell was coming from rotting vegetables and wondered why they were left to rot instead of being harvested. **What they say:** The smell is coming from white radishes that were planted as a winter cover crop for soil- conservation purposes, said Ed Wenschhof, chief ranger at Antietam National Battlefield.

STAR DEMOCRAT

Fithian: Leave crab pots in the Bay

CHESTERTOWN Kent County Commissioner Ron Fithian, speaking at Tuesday's meeting, thinks lost crab pots should stay sunk in Chesapeake Bay. He said the Department of Natural Resources is "trying to find work" for watermen who can't catch oysters because of the die-off on upper Bay oyster bars. A hurricane and tropical storm back-to-back in August and September sent too much fresh water into the estuary for oysters to survive. Pointing to the letter from the DNR, he said, "You might as well throw that in the trash can. That's ridiculous." He said it is "dragging a hook around to hook an old crab pot that if you leave it there it's going to disintegrate. That is the biggest waste of money I've ever heard of."

Arsenic law, Bay restoration fee face hearing ANNAPOLIS The Maryland General Assembly has scheduled the following hearings. For more information or to view the hearing schedule by committee, search the legislature's website at <http://mlis.state.md.us>.

Tuesday, 1 p.m.

- SB207: "Agriculture Commercial Feed Arsenic Prohibition." Prohibiting a person from using, selling or distributing commercial feed intended for use as poultry feed that contains any additive with arsenic. (Education, Health and Environmental Affairs)
- SB240: "Environment Bay Restoration Fund Fees." Increasing specified Bay Restoration Fees beginning July 1, 2012. (Education, Health and Environmental Affairs)

CITYBIZLIST - Baltimore

Environment Maryland responds to the President's Budget BALTIMORE - Today **President Obama** announced his budget proposal for fiscal year 2013. **Ewa Krason**, Environment Maryland Field Organizer, released the following statement: "There's never been a more important time to invest in a cleaner, greener, healthier future. The President's budget shows real leadership in building a clean energy economy in the United States, and Maryland, powered by pollution-free energy and thousands of local jobs, as well as continued support for conservation of the places we love. Additionally, the President's proposal to increase funding for public transit will help reduce our oil dependence.

WBAL-RADIO

O'Malley Making Case For Three Bills Today Gov. Martin O'Malley will be speaking in support of a bill aimed at developing offshore wind energy in Maryland. O'Malley, a Democrat, is scheduled to testify Tuesday before the Senate Finance Committee. The governor has made the measure a priority of his legislative agenda again this year. Last year, a bill that would have required utilities to enter long-term wind power contracts failed due to concerns about the costs to customers. This time, O'Malley is backing a measure similar to a New Jersey law that sets requirements, but doesn't require long-term contracts. The governor's bill requires electric utilities to purchase 2.5% of their electricity from wind generators, and once they are operational utilities could charge customers up to \$2 a month for electricity generated from wind power. Senate Minority Leader E.J. Pipkin, who sits on the committee, says the governor's numbers on the cost to consumers "don't add up." He believes consumers will pay much more for electricity generated from wind than the governor promises. **O'Malley Also Testifies On Flush Tax, Land Growth Bills**

HAVREDEGRACEPATCH

State: Oysters Thriving in Chesapeake Bay

The oyster is back. The results of a fall 2011 study reveal that the Chesapeake Bay's native oyster population is enjoying its highest survival rate since 1985. According to a news release from Gov. Martin O'Malley's office, the bay's oysters have a 92 percent survival rate—a figure compiled by the percentage of oysters found alive in a sample set. Last year's spatset, or baby oyster count, was the highest in 14 years. O'Malley has included approximately \$8 million toward ongoing oyster protection in the FY2013 budget.

BALTIMORE DAILY RECORD

Editorial: Time to review development incentives

(late Friday) The dynamics of the decision by Exelon Corp. to build its \$120 million Baltimore headquarters for Constellation Energy Group at Harbor Point instead in the core of the central business district illustrate the need for a comprehensive review of the city's policies for using publicly financed tax breaks to stimulate private development. ... In many ways, Exelon's decision to go to Harbor Point is the latest chapter in an urban redevelopment success story. The site that will house the city's newest office building — now a vacant lot — formerly housed the Allied Signal Plant, which later became an Environmental Protection Agency Superfund cleanup site.

O'Malley to testify on offshore wind measure

Annapolis company seeks to make concrete pretty

VIRGINIA

BRISTOL HERALD COURIER

From Early Bird Possible recycling plant stirs controversy BRISTOL, Va. -- A recycling company is trying to open their doors in Bristol, Virginia. MXI Environmental Services based in Washington County, Virginia is wanting to bring their ethanol treatment facility to Bristol, but some area residents are rallying for them to stay out of the city limits. Joyce Hensley has lived along Osborne Street for 30 years, but now, she fears a new business could hurt her family. "I am really concerned about the health in this particular project," Hensley told News 5 on Monday. That's because the city of Bristol, Virginia is offering Dynamic Recycling the former Crowley Foods plant directly behind Hensley's yard. Ethanol recycling currently being done at MXI in Washington County, Virginia would move to this location. We're told from MXI officials, that process generates odor. Hensley and many of her neighbors are concerned about a potential smell and toxins. "I have two grandchildren that [play] in the backyard," said Hensley. "I cannot have something that will harm them. I know they say it will not harm them at this time, but five years down the road, it could be something else," she said. We checked with MXI officials and the city of Bristol, Virginia and learned this ethanol recycling process would be different. "At our plant in Abingdon, we recycle our water into the cooling tower which generates odor as a by-product of that process," Brian Potter, MXI Vice President of Operations, told News 5 over the phone. Water waste in Bristol would go underground through the sewer. We've learned Bristol has an excess capacity sewer system and can easily handle waste from the recycling process. Because of that, the waste will end up at a water treatment plant, where it can be treated and not released into the air.

VIRGINIA GAZETTE

From Early Bird Obama's budget contains \$15 million for *Chesapeake Bay* clean-up (From Chesapeake Bay Foundation) WASHINGTON -- The Chesapeake Bay Foundation reacted well to news that President Barack Obama's budget contained an additional \$15 million in funding for Bay cleanup, even as organizers expressed concern about cuts elsewhere and pledged to keep urging federal funding. "President Obama underscored his commitment to restoring the Chesapeake Bay by proposing a \$15 million increase in funding for EPA's Chesapeake Bay Program in his budget proposal released today," said Doug Siglin, the CBF's Federal Affairs director, in a statement. "That funding will help EPA and state and local governments implement the plans they are preparing to reduce pollution and restore the Bay by 2025. "While welcoming that additional funding, we are concerned by cuts in EPA's State Revolving Fund (SRF) as well as cuts to USDA's Natural Resources Conservation Service. The SRF provides critical assistance to states and local jurisdictions to reduce pollution from sewage treatment plants and urban and suburban runoff, both critical components of the state plans to achieve the pollution limits. The NRCS Conservation Service provides technical assistance to farmers to reduce agricultural pollution.

WAVY-TV

E. Shore sewage plan raises a stink ACCOMACK COUNTY, Va. (WAVY) - "Over our dead bodies", and "not in our back yards" were the rallying cries on the Eastern Shore in Accomack County in a debate over a sewage plant plan. Tuesday night, the County Board of Supervisors agreed, killing the plan. A nearby developer wanted to place

the plant on a 70 acre farm on Nocks Landing Road in the Village of Atlantic, raising a stink amongst residents. For two hours, Atlantic Town Center developer Chris Carbaugh and his attorney Mark Baumgartner got laughed at, lectured, and, in the end, figuratively run out of town. ... The Department of Environmental Quality has given Carbaugh the right to construct the Treatment Plant, and the DEQ says the clean water that is pumped to the farm land will be exactly that, clean water. "It should not smell. It will be fully treated by then, so there is no hazard or danger to the neighbors. It should not be a public health issue," said Mark Sauer, a Water Permit Manager with the DEQ. However, DEQ is not the final word; Accomack County is. County Planning Director Rich Morrison and the Planning Commission have recommended to the County Board of Supervisors not to change the zoning text. Currently, only a Municipality or a County can get a zoning change to build a sewage treatment center. The text currently reads, "water and sewer facilities must be operated by a municipality or county."

MISCELLANEOUS

CHERRY HILL COURIER POST

From Early Bird Obama boosts Delaware River dredging plan President Obama's 2013 budget, which was submitted to Congress Monday, includes \$31 million for a controversial project to deepen the Delaware River's shipping channel. The inclusion is the second bit of good news this month for proponents of the estimated \$300 million project. The U.S. Army Corps of Engineers last week appropriated \$16.9 million for the project from its current construction budget that runs through September. The influx of federal funds follows many years of meager appropriations for the project, which critics have labeled a threat to the environment and a waste of money. So far, the federal government has committed \$4 million for construction. As a result, work is being done piecemeal by the Philadelphia district of the Army Corps which is managing the project. "Clearly, the (Obama) administration recognized the importance of this project to both regional and national economies as related to import and export trade," said Dennis Rochford, president of the Maritime Exchange for the Delaware River and Bay, a trade association representing about 300 port-related businesses in the tri-state region. Advocates say deepening the river, from 40 to 45 feet, will make local ports more competitive with other East Coast ports that can handle an increasing number of deeper-draft ships. "When the project was first proposed more than 25 years ago, 45 feet was a very good number. Things have changed and now some East Coast ports have 50 feet. Still, 45 is better than 40," said Kevin Castagnola, executive director of the South Jersey Port Corp., which operates two marine terminals in Camden and is building a port in Paulsboro.

GOVERNMENT EXECUTIVE

From Early Bird EPA faces third straight year of cuts President Obama's environmental agenda, under political attack and on the back burner in a sluggish economy, will face budget cuts for the third straight year. The proposed Environmental Protection Agency budget for fiscal year 2013 is \$8.3 billion, down from \$9.0 billion last year. This year's request represents a 1.2 percent decrease, or \$105 million, from the 2012 enacted level. Tellingly, EPA's budget barely acknowledges the agency's plans to regulate greenhouse gas emissions from power plants -- a stark reversal from last year's budget, which said EPA's "measured, common-sense steps to address greenhouse gas pollution" was one of its "funding points of focus." Instead, this year's budget says the administration "continues to support greenhouse gas emissions reduction in the U.S. in the range of 17 percent below 2005 levels by 2020 and 83 percent by 2050." Those have been the goals for addressing climate change since the beginning of the Obama administration, but no legislation has been enacted requiring the reductions to be achieved. The only mention EPA's greenhouse gas rules for power plants receives in this year's budget is one sentence that doesn't say anything about when the rules are coming. "EPA will continue to develop regulatory strategies to control GHG emissions from major stationary sources." The EPA budget does acknowledge one program already on the books that can help reduce greenhouse gases: the increased fuel-economy standards for vehicles that the administration worked out with

the auto industry last year. The budget “supports the 2012 implementation of a historic national program to improve fuel economy and reduce greenhouse gases (GHGs) from cars and trucks by about 21 percent by 2030, saving an estimated 1.8 billion barrels of oil,” the proposal from EPA states.

BNA DAILY ENVIRONMENT REPORT

From Early Bird EPA Budget Would Cut Water Infrastructure, Increase Some State Funds EPA would be funded at \$8.3 billion in fiscal year 2013, a \$105 million decrease from fiscal 2012 achieved through cuts to state wastewater treatment and drinking water funds. The proposed 1.2 percent decrease in EPA funding would mostly come from reduced funding for the clean water and drinking water state revolving funds, which provide capitalization grants to states for loans for water infrastructure. The president's budget also would reduce funding for superfund cleanup efforts and eliminate a clean diesel grant program and replace it with a combination of rebates and grants. The proposal contains increased funding for priority programs, including a large increase for state and tribal air quality and water pollution programs

From Early Bird Obama Renews Goal to Cut Carbon Emissions, Increases Climate Research The fiscal year 2013 budget request renews President Obama's goal to cut greenhouse gas emissions by about 17 percent below 2005 levels by 2020, and 83 percent by 2050. It would provide \$2.6 billion for the multi-agency U.S. Global Change Research Program, a \$136 million increase over current spending, and repeal more than \$4 billion per year in oil, gas, and other fossil fuel subsidies.

From Early Bird EPA Proposes Attainment Deadline of 2015 for Newest Ozone Standard EPA would give most ozone nonattainment areas until Dec. 31, 2015, to meet a new air quality standard for ozone, under a proposed rule to be published today. Alternatively, the agency would give states until mid-August 2015 to meet the standard, but EPA says it does not prefer that approach. Compliance would be based on air quality data from the three most recent ozone seasons, which run from about April through October in a given year.

From Early Bird EPA Expected to Deny Petitions Challenging Sewage Sludge Rule EPA intends to deny two separate petitions seeking reconsideration of a Clean Air Act rule that would impose new source performance standards for sewage sludge incinerators to limit emissions of nine pollutants, according to the National Association of Clean Water Agencies. EPA is unavailable to comment, but Nathan Gardner-Andrews, the association's general counsel, says the organization has learned EPA will formally deny the NACWA petition and a petition filed by the Sierra Club. NACWA says it will pursue a challenge in court

From Early Bird FY 2013 Budget Would Boost Funding for Pipeline, Hazmat Safety President Obama's fiscal year 2013 budget request includes \$276 million for the Pipeline and Hazardous Materials Safety Administration, a 37 percent increase in funding that will allow the agency to boost inspection efforts and offer more grants for state safety programs. The proposal includes \$177 million for PHMSA's pipeline safety programs, an increase of \$67 million, or 61 percent, from the fiscal 2012 level

ATLANTIC CITY PRESS

From Early Bird Editorial: Ban fracking in New Jersey? / Premature -- at best We wish we knew the answers to the questions surrounding "fracking" - or the hydraulic fracturing of rock formations to extract natural gas. Is it an environmental debacle waiting to happen (or already happening)? The process produces vast quantities of contaminated wastewater that can pollute drinking-water aquifers. Or is the plentiful, cheap natural gas produced by fracking a key component of America's energy future? Already, natural gas extracted from the Marcellus shale in Pennsylvania has driven down gas prices in New Jersey. That's certainly welcome. The key questions: Is fracking worth the environmental risks? Can those risks be mitigated by better fracking methods? We don't know the answers. In fact, there appear to be no authoritative answers to those questions. Two massive federal studies are under way. Until those studies are completed, this is just a heated debate between self-interested groups on either

side of the issue. However, this much is clear. In the words of Larry Ragonese, the spokesman for the state Department of Environmental Protection: "There is no frackable shale in New Jersey that can produce energy." So why, you may ask, is the Legislature once again pursuing a fracking ban in New Jersey? There is really only one answer to that question: To score points with New Jersey's increasingly vocal and powerful environmental lobby.

LEXINGTON HERALD LEADER (KY)

From Early Bird Pro-fracking movie gets \$22K in two days on Kickstarter In what may be interpreted as a backlash against the Oscar-nominated environmentalist film "Gasland," a new production titled "FrackNation" received an eye-popping \$22,000 in donations during its first two days on the crowdfunding site Kickstarter. "Gasland" is a searing critique of the oil and gas drilling practice known as hydraulic fracturing, or fracking, which has come under intense scrutiny by environmental groups and the EPA. "FrackNation" co-creator Phelim McAleer says that his new film seeks to give voice to those longtime residents in gas-drilling areas who support fracking. Previous films by McAleer and the film's co-creator Ann McElhinney, including "Mine Your Own Business," critique the environmentalist community for getting in the way of industry and jobs for working people. It is not clear if any of the first 252 Kickstarter donations come from gas and oil interests directly. This film, McAleer says, started when he went to see a presentation by Joshua Fox, the director of "Gasland." "I live in Marina del Rey, California. I have no interest in gas. I'm a journalist and I went to a Q&A by Josh Fox, and asked him some difficult questions and got some interesting answers," McAleer says. The two of them began a discussion of the footage in the film in which homeowners ignite the natural gas that comes out of their taps. "He knew that people could light their water for decades before fracking started. He said he didn't include that in the film because it wasn't relevant." McAleer put up a video of the exchange on YouTube. Fox's lawyers pounced, claiming that, since the video contained footage from the "Gasland" movie, it was copyright infringement, and it was taken down. Same thing at Vimeo. Finally McAleer put it on his own site, but they got him there too. "An interesting response for a journalist: He censored it," McAleer says. "I thought: What's the story? What's he hiding?" McAleer, who wrote for the Economist and was a foreign correspondent for the Financial Times, and McElhinney, who produced documentaries for the BBC and CBC and other channels (both also wrote for the U.K. Sunday Times and other papers), began knocking on doors, starting in Dimock, Pa.

SALON.COM

From Early Bird Santorum's well-compensated love of fracking His claims about the practice's safety puts him far to the right of his state's GOP -- and the oil industry. If any state was going to produce a Republican who might understand the dangers of unbridled oil and gas drilling — and specifically, of the drilling process known as “fracking” — you would think it would be Pennsylvania. The state, after all, is the home of Dimock, a town near the crucial Delaware River watershed that has become the Erin Brockovich-worthy example of what can go wrong when fracking goes completely unregulated. As Vanity Fair reported in its shocking 2010 expose of the situation, Dimock is “the place where, over the past two years, people’s water started turning brown and making them sick, one woman’s water well spontaneously combusted, and horses and pets mysteriously began to lose their hair.” Similarly, the state has most recently seen a massive fracking blowout in Canton — one in which the Environmental Protection Agency subsequently found evidence of contaminated groundwater. And it is the state where a landmark Duke University study found “evidence for methane contamination of drinking water associated with shale-gas extraction.” So when former Pennsylvania senator turned Republican presidential candidate Rick Santorum late last week cited his roots in the Keystone State as reason to *support* more fracking and oppose any regulation of the process, it provided a disturbing example of the power of Big Money over our political system. To review: In an Oklahoma speech last week, Santorum said, “I come from Pennsylvania [where] we’re doing a little bit of [fracking] in Pennsylvania, thank God.” He then went on to say fracking is “the new boogeyman” — the “new way [for environmentalists] to try to scare you [by] saying, ‘Look what’s going to happen. Ooh, all this bad stuff’s going to happen, we don’t know all these chemicals and all this stuff.’ Let me tell you what’s going to happen: Nothing’s going to happen.”

WHAM-TV 13 ROCHESTER, NY

From Early Bird Hydrofracking: Two Scientists Split Ithaca, N.Y. – Hydraulic fracturing – the process of extracting natural gas from the ground using a mixture of water, sand and chemicals – has actually been used in New York for decades. Why it's so controversial now is the relatively new form of drilling that accompanies it. In the past, gas companies would drill a well straight down, then frack. Today, crews can drill down, then over, in a process called horizontal drilling. This allows gas companies to access more gas from one drill pad. It also requires much more of that mixture, also called frack fluid. Where vertical fracking had used tens of thousands of gallons, horizontal uses millions. "Risk is proportional to time on job," said Dr. Tony Ingraffea, a Cornell professor who specializes in hydraulic fracturing. He says horizontal drilling holds a risk of water contamination. "It is possible that in the hydraulic fracturing process, the fracking fluids and any other contaminants that are already down there that are gathered by the fracking fluid could migrate upwards to an underground source of drinking water," he said. The gas industry is adamant this has never happened, but Ingraffea cites a 1987 EPA report that noted such an incident in West Virginia. He also points to the EPA's current investigation into a case in Wyoming. What is more common is methane contamination. If a well is drilled improperly it can cause methane that already exists underground to migrate into peoples' drinking water. This kind of contamination has been documented in Dimock, PA and pockets around Towanda. Ingraffea also labels surface spills as a real risk. "What a lot of people don't realize is there's no perfect industry," says Don Siegel, a fracking expert at Syracuse University who has taken the stage with Ingraffea to argue the other side. "I think horizontal hydrofracking is fundamentally a safe process if done by competent people," he said. "If you look at all the wells drilled and the number of (methane contamination) in the American West and East, I think it's an extremely low probability that (methane contamination) would happen."

WETM-ELMIRA, NY

From Early Bird Is the Natural Gas Boom Over? Towanda, PA -- As natural gas prices continue to drop, so does drilling in the Northern Tier. Is the natural gas boom over? Here at the Weigh Station Cafe on John B Merrill Parkway in Towanda, business has been booming. Owner Barb Keeney says it's all thanks to the natural gas industry. "I'm not sure we'd be here if it wasn't for them." Serpico's Pizza in Wysox says they too have seen business increase since hydro-fracking began several years ago. Employee Russ Turner says, "Business has improved a little. We get a lot of frack teams come in, maybe once a week." But things are beginning to change in Bradford County. The biggest change local business owners say they've seen is in the amount of truck traffic, or rather a lack thereof. These streets used to be bumper to bumper, now things travel a lot smoother.

ASSOCIATED PRESS

Obama cuts EPA, increases Chesapeake Bay Program BALTIMORE (AP) The Environmental Protection Agency's main program to restore the Chesapeake Bay would get more money but other projects for the waterway would be cut in the budget released Monday by President Barack Obama, a Chesapeake Bay Foundation official said. The budget calls for \$15 million to be added to the \$58 million budget for the EPA's Chesapeake Bay Program, Chesapeake Bay Foundation Federal Affairs Director Doug Siglin said. However, Siglin said the budget also calls for an overall cut in EPA funding, including a 20 percent from a \$2.5 billion EPA revolving fund that provides money to the states for clean water programs. The spending plan also cuts staffing for the Department of Agriculture's Natural Resources Conservation Service which helps farmers reduce runoff and other pollution from their farms, he said. "So, the really good news about the Chesapeake Bay Program is mitigated somewhat," Siglin said. The EPA's revolving fund provides assistance to states and local jurisdictions to reduce pollution from sewage treatment plants and urban and suburban runoff. Siglin said they are critical components of state plans to achieve their pollution reduction goals under the EPA's new federally led bay restoration strategy.

Hackers claim attack on American tear gas company LONDON (AP) -- A U.S. security company whose tear gas has been used against Egyptian demonstrators has become the latest victim of the Anonymous movement, hackers claimed Tuesday. In a statement posted to the Internet, hackers claimed to have broken into Combined Systems Inc.'s website and stolen personal information belonging to clients and employees of the Jamestown, Pennsylvania-based firm. They accused the company of being run by war profiteers who sell "mad chemical weapons to militaries

and cop shops around the world." The hackers' claims could not immediately be verified, although the company's website was down Tuesday. Messages left for Combined Systems executives Donald Smith and Jacob Kravel went unreturned. A customer service representative said senior employees were unavailable for comment because they were in a meeting. Anonymous has claimed a series of Web attacks worldwide and has increasingly focused on security companies, law enforcement and governmental organizations. The group has often worked in tandem with the Occupy protest movement in the U.S. and has expressed solidarity with the pro-democracy activists across the Arab world. Anonymous said it had targeted Combined Systems because it was supplying weaponry used "to repress our revolutionary movements."

BLOOMBERG BUSINESS NEWS

EPA Proposal Cuts Water Infrastructure Funds, Increases Air, Water, Water Pollution President Obama Feb. 13 proposed a fiscal year 2013 budget containing \$8.3 billion in discretionary funding for the Environmental Protection Agency, a \$105 million decrease from fiscal 2012 achieved through cuts to state wastewater treatment and drinking water funds. The proposed 1.2 percent decrease in EPA funding would mostly come from reduced funding for the clean water and drinking water state revolving funds, which provide capitalization grants to states for loans for water infrastructure. The president's budget also would reduce funding for superfund cleanup efforts and eliminate a clean diesel grant program and replace it with a combination of rebates and grants. The budget proposal contains increased funding for priority programs, including a large increase for state and tribal air quality and water pollution programs. While overall assistance to states would decline, EPA's operating budget would increase under the budget proposal from \$3.57 billion in fiscal 2012 to \$3.74 billion in fiscal 2013. The proposal would increase funding for targeted water infrastructure and Chesapeake Bay restoration, while maintaining funding levels for leaking underground storage tanks programs and the Great Lakes Restoration Initiative. Governmentwide Effort to Cut Spending ...

POLITICO

5 takeaways from Obama's budget - SOTU honeymoon over for Obama and natural gas? - DOE breaks vow of silence - Amendments galore on House energy, transportation bill

... **COAL CONUNDRUM** — Earthjustice and the Sierra Club are planning to sue a Pennsylvania coal-fired power plant for alleged violations of the Clean Air Act, the groups announced Monday. The Homer City plant's sulfur dioxide emissions are a danger to the public health and — even if they are allowed under the plant's permit — keep the area from meeting air quality standards, the environmental litigants say. The power plant — a key petitioner against the EPA's Cross-State Air Pollution Rule — emitted more sulfur dioxide than any other plant in the United States in 2010 despite being outfitted with advanced scrubber technology, according to Earthjustice. The announcement: <http://bit.ly/wrJeQq>.

... **BURIED IN EPA'S BUDGET REQUEST** — The plan eliminates EPA's Mercury Research Program (\$971 million), which studies the effectiveness of emission control technologies to meet requirements to reduce the pollutant. EPA is opting for an alternative plan to measure the technologies -- The agency also said it supports legislation that would direct fines and penalties from the Deepwater Horizon spill to restoration efforts in the Gulf Coast region. -- EPA is also hoping to ramp up its enforcement and planning efforts at facilities that are at a higher risk of worst-case oil spills by shifting \$5.7 million to compliance monitoring and on-site inspections at some facilities, and asking for a \$4.6 million increase to its Oil Spill: Prevention, Preparation and Response program.

... **SHALE NEWS** — Republican Pennsylvania Gov. Tom Corbett signed into a law Monday legislation that creates new fees and regulations for natural developers in the Marcellus Shale region. The American Petroleum Institute commended that new law, but the plan still faces critics in the environmental community — who say the regulations are too soft and the royalty rate too low — and among conservative organizations: Grover Norquist is calling the law a tax that violates the anti-tax pledge. More from the (Harrisburg, Pa.) Patriot-News: <http://bit.ly/wgS4XB>.

ENVIRONMENT & ENERGY PUBLISHING

Pa. Republican offers amendment to strip ANWR from highway package. ... If Gerlach's bill makes it to the floor, it

would mark the first time that the House has voted on whether to allow oil and gas in the refuge since 2007, when a procedural motion to open the area to drilling was rejected with the help of more than a dozen current House Republicans, including Gerlach. The House a year later rejected a motion to adjust budget levels to assume future revenues from opening ANWR to development. Gerlach's **amendment** would offset the lost ANWR revenues by reducing funding for the Prevention and Public Health Fund. It also states that "Congress will not authorize the exploration, development, and production of the oil and gas resources in ANWR until all petroleum reserves of the Outer Continental Shelf and National Petroleum Reserve in Alaska have been exhausted." "The bigger picture is it shows there are moderates from both parties who once again want to protect our national wildlife refuge," said Cindy Shogan, executive director of the Alaska Wilderness League.

Obama's frack study to look past water The \$45 million multi-agency study of hydraulic fracturing proposed by the Obama administration in its 2013 budget blueprint represents an effort to broaden the examination of shale gas drilling from just water to air quality and other environmental concerns. It also seeks to put into action some of the recommendations of the panel tasked by the administration with examining the safety of hydraulic fracturing. "We need to ensure we have the best science available as hydraulic fracturing will continue," said Interior Secretary Ken Salazar. "We have to make sure that as fracking continues on those lands it's being done in a safe and responsible way." Interior's U.S. Geological Survey, the Department of Energy and U.S. EPA are developing a "memorandum of understanding" for the study to lay out the responsibilities of each agency. The memorandum, budget documents said, will seek to emphasize the expertise of each agency.

PR NEWSWIRE

President's Fiscal 2013 Budget for U.S. Army Corps of Engineers' Civil Works Released WASHINGTON, Feb. 13, 2012 /PR Newswire/ -- The President's Budget for fiscal year 2013 (FY13) includes \$4.731 billion in discretionary funding for the Civil Works program of the U.S. Army Corps of Engineers (USACE). The Honorable Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, said, "The fiscal 2013 Civil Works budget for the U.S. Army Corps of Engineers reflects the Administration's priorities through targeted investments in the nation's infrastructure that fund the development, management, restoration, and protection of the Nation's water, wetlands, and related resources. The Budget also reflects the tough choices necessary to put the country on a fiscally sustainable path. 'This is a performance-based budget that funds the construction of projects that reduce risk to public safety, provide significant environmental restoration benefits, or provide significant economic returns on the nation's investment. America is a maritime nation, and this budget invests in navigation improvements that enable efficient use of waterborne transportation, a key component in global trade,' said Darcy. 'The 2013 Civil Works program is a continuing, fiscally prudent investment in the nation's water resources infrastructure and in the restoration of its aquatic ecosystems.'

Newly dubbed World Water Monitoring Challenge™ encourages greater participation

ALEXANDRIA, Va., Feb. 14, 2012 /PRNewswire via COMTEX/ -- Newly dubbed World Water Monitoring Challenge(TM) encourages greater participation in the program that recorded more than 300,000 participants worldwide in 2011. The Water Environment Federation (WEF) and the International Water Association (IWA) proudly announce a relaunch of the popular World Water Monitoring Day public education and outreach program. Now called World Water Monitoring Challenge, the new name, look, and updated website encourages year-round involvement in the international program that recorded more than 300,000 participants worldwide in 2011.

POLITICS.PA

DePasquale Wins Dem Auditor General Debate

... The two candidates shared many of the same sentiments on key issues such as public education funding, but were notably divided on environmental concerns. When a question arose from the audience concerning the candidates' views on fracking inspections throughout Pennsylvania, Cade stated that such issues should be left to the Department of Environmental Protection rather than the Auditor General's office. "The Auditor General has a legal and moral obligation to make sure that Pennsylvania's drinking water is safe," DePasquale said in response.

“Corbett runs the Department of Environmental Protection.” At the conclusion of the debate, both Cade and DePasquale acknowledged that each are running with Pennsylvania’s citizens in mind. The debate was held on Sunday at the Pennsylvania Convention Center in Center City, Philadelphia.

AOL ENERGY

Remote Gas Well Monitoring Technology Applied to Marcellus Shale Site Monitoring shale gas drilling has been a central technology question for oil and gas companies seeking to take advantage of huge potential reserves in the US. “A technology to remotely monitor conditions at energy-rich Marcellus Shale gas wells to help insure compliance with environmental requirements has been developed through a research partnership funded by the US Department of Energy,” the department announced today. The DOE has been defending its role in energy technology funding in recent months since the collapse of federally-backed solar technology firm Solyndra. See here for an AOL Energy video of DOE assistant secretary David Sandalow defending the Department’s history of innovation in October 2011.

DAILYTECH

Automakers Request Changes to Proposed Fuel Efficiency Standards The Alliance of Automobile Manufacturers, which represents Toyota Motor Corp., Detroit’s Big Three automakers and eight other automakers, has requested that carmakers obtain some credits for improving technology to meet 2012-2016 requirements set by the new fuel efficiency standards proposal instead of automakers only receiving credits if they are “in use in a minimum percentage of its overall fleet.” “Providing this program feature in the earlier years improves the usefulness of the credit program and encourages manufacturers to introduce the listed technologies sooner,” said the Alliance of Automobile Manufacturers. More specifically, the Alliance of Automobile Manufacturers would like automakers to obtain some credits for improving active grill shutters, start-stop technology, air conditioning and high efficiency lights for the 2012-2016 technology requirements.

NATURE.COM

Obama shoots for science increase “It’s not every day you have robots running through your house,” Barack Obama quipped last week at the White House science fair, a showcase for student exhibitors that also gave the US president a chance to reiterate a favourite theme. Science and technology, he said, “is what’s going to make a difference in this country, over the long haul”. Obama would clearly like to see many more robots, as well as researchers and engineers, running around in the future, a wish reflected in his budget request for fiscal year 2013, released on 13 February. The document’s message is one of big ambitions with fewer resources.

WATER TECHNOLOGY ONLINE

EPA’s budget for 2013 over \$100 million below 2012 level

WASHINGTON — The Obama Administration proposed a FY 2013 budget of \$8.344 billion for the Environmental Protection Agency (EPA), according to a press release. This budget reflects a government-wide effort to reduce spending and find cost-savings, and is \$105 million below the EPA’s enacted level for FY 2012, noted the release. The FY 2013 budget is the result of EPA’s ongoing efforts to carefully consider potential cost savings and reductions while continuing its commitment to core environmental and health protections — safeguarding Americans from pollution in the air they breathe, the water they drink and the land where they build their communities, stated the release.

GT FORUM

EPA sets new emission limits for PVC producers

New rule will require major emitters of air toxins from PVC production to invest US\$18 million, spend US\$4 million annually. The US Environmental Protection Agency has issued a final rule updating emission limits for airborne toxins from the production of polyvinyl chloride and copolymers. The new rule requires production facilities to reduce toxic air emissions and sets maximum achievable control technology (MACT) standards for major sources and generally available control technology (GACT) for area sources of PVC production. EPA’s new final rule sets emission limits and work practice standards for total organic air as well as limits for vinyl chloride,

chlorinated di-benzo dioxins and furans and hydrogen chloride. The latter two are new additions, with the previous rule using vinyl chloride “as a surrogate for all other air toxins”.